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COMMISSION ON HUMAN RIGHTS

REPORT ON THE FIFTY-SECOND SESSION

(18 March - 26 April 1996)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1996

SUPPLEMENT No. 3

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

A State not member of the Commission may submit proposals in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council. The list of participants is contained in annex I.

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Question of human rights and states of emergency

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/36 of 19 April 1996 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1995/33 of 24 August 1995, entitled "Question of human rights and states of emergency",

1. Approves the request of the Sub-Commission to the Special Rapporteur on human rights and states of emergency, Mr. Leandro Despouy, to fulfil his mandate, in particular relating to (a) the updating of the lists of States which have proclaimed, extended or terminated a state of emergency; (b) the submission of conclusions and recommendations concerning non-derogable rights in states or situations of emergency; and (c) the continuation of his consultations on the establishment of a database on states of emergency and related human rights questions;

2. Requests the Secretary-General to provide the Special Rapporteur with the necessary human and material resources to fulfil his mandate.

[See chap. II, sect. A, resolution 1996/36,
and chap. VIII.]

II. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/37 of 19 April 1996,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-third session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all the necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1996/28) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

[See chap. II, sect. A, resolution 1996/37,
and chap. VIII.]

III. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/38 of 19 April 1996,

1. Authorizes the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with resolution 1995/32 of the Commission on Human Rights to meet for a period of 10 working days prior to the fifty-third session of the Commission, the costs of the meeting to be met from within existing resources;

2. Requests the Secretary-General to extend all necessary facilities, from within existing United Nations resources, to the working group for its meetings.

[See chap. II, sect. A, resolution 1996/38,
and chap. XXIII.]

IV. Protection of the heritage of indigenous people

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/63 of 23 April 1996 and resolution 1995/40 of 25 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Requests the Secretary-General to transmit the final report of the Special Rapporteur on the protection of the heritage of indigenous people, Mrs. Erica-Irene A. Daes, with its annex, as soon as possible to Governments, specialized agencies, indigenous people's communities and organizations, and intergovernmental and non-governmental organizations concerned, for their comments;

2. Requests the Special Rapporteur to prepare a supplementary report on the basis of the comments and information received from Governments, indigenous communities and other organizations concerned and to include in it a chapter concerning relevant activities undertaken in other forums, such as the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, the World Intellectual Property Organization and the World Trade Organization, and to take into consideration, inter alia, the Convention on Biological Diversity, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa and other relevant international instruments;

3. Also requests the Special Rapporteur to submit her supplementary report to the Sub-Commission at its forty-eighth session;

4. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable her to carry out her mandate and to complete the study successfully;

5. Decides that the basic and comprehensive study prepared by the Special Rapporteur on the protection of the cultural and intellectual property of indigenous people (E/CN.4/Sub.2/1993/28) shall be published in all official languages and disseminated widely.

[See chap. II, sect. A, resolution 1996/63,
and chap. XXIII.]

V. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1996/81 of 23 April 1996,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of one week prior to the fifty-third session of the Commission in order to continue work on the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the working group for its meetings.

[See chap. II, sect. A, resolution 1996/81,
and chap. XIX.]

B. Draft decisions

1. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/1 of 27 March 1996:

(a) Approves the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Burundi for one year;

(b) Endorses the Commission's request to the Special Rapporteur to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session.

[See chap. II, sect. A, resolution 1996/1,
and chap. X.]

2. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/8 of 11 April 1996, approves the Commission's requests to the Secretary-General:

(a) To publish and distribute as soon as possible the model legislation on racism and racial discrimination for the guidance of Governments in the enactment of further legislation against racial discrimination;

(b) To include the activities for the Third Decade not implemented in the 1994-1995 biennial programme in the future programme for the Decade and to provide the resources necessary for it;

(c) To ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1996-1997.

The Economic and Social Council, at the recommendation of the Commission, also requests the Secretary-General to take the necessary measures in order to transmit to the General Assembly at its fifty-first session the results of his consultations with Member States and intergovernmental as well as non-governmental organizations on the possibility of holding a world conference to combat racism, racial discrimination, xenophobia and related contemporary forms of intolerance.

[See chap. II, sect. A, resolution 1996/8,
and chap. XII.]

3. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/11 of 11 April 1996, approves the Commission's recommendation to the Centre for Human Rights to convene, as a follow-up to the 1993 seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, expert seminars focused on specific economic, social and cultural rights with a view to clarifying the particular content of these rights.

[See chap. II, sect. A, resolution 1996/11,
and chap. V.]

4. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/12 of 11 April 1996, approves the Commission's request to the Secretary-General to establish a programme unit in the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development.

[See chap. II, sect. A, resolution 1996/12, and chap. V.]

5. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/15 of 11 April 1996, decides:

(a) To consider, in the ongoing discussions on its reform, how best to promote system-wide action to promote and protect the right to development, for example including it for its consideration and conveying its conclusions to relevant international bodies, including the Bretton Woods institutions;

(b) To deepen the review of all issues relevant to the implementation of the right to development, including the promotion of a favourable international and national economic environment.

The Economic and Social Council endorses the Commission's decision to establish an intergovernmental group of experts with a mandate to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development, in its integrated and multidimensional aspects, bearing in mind the conclusions of the Working Group on the Right to Development, established by the Commission on Human Rights in resolution 1993/22 of 4 March 1993, and the conclusions of the World Conference on Human Rights and of the four World Conferences (the United Nations Conference on Environment and Development, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women: Action for Equality, Development and Peace).

The Council approves the Commission's decision that:

(a) Such working group be established for a two-year period;

(b) The working group elaborate concrete and practical measures for the implementation and promotion of the right to development and submit a progress report to the Commission on Human Rights at its fifty-third session; the working group shall focus on the development of such a strategy, which should include recommendations for further practical measures for implementation and promotion, and report to the Commission at its fifty-fourth session;

(c) The members of the working group will be appointed on the basis of equitable geographical representation, in consultation with the regional groups, and of their competence and acquired experience in this field; and urges that they accomplish their mandate;

(d) The working group shall be composed of 10 experts, nominated by Governments, to be appointed by the Chairman of the Commission on Human Rights;

(e) The working group experts will be in consultation with the treaty bodies and with the United Nations High Commissioner for Human Rights on all issues relevant to the implementation of the right to development.

[See chap. II, sect. A, resolution 1996/15, and chap. VI.]

6. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/21 of 19 April 1996, approves the Commission's decision to extend for a period of three years the mandate of the Special Rapporteur to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on these matters on a yearly basis to the Commission, beginning at its fifty-third session, and the Commission's request that the Secretary-General provide the Special Rapporteur with all the necessary assistance and resources in carrying out his mandate.

[See chap. II, sect. A, resolution 1996/21, and chap. XII.]

7. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/23 of 19 April 1996, approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-first session and to report to the Commission at its fifty-third session.

[See chap. II, sect. A, resolution 1996/23, and chap. XVIII.]

8. Human rights of persons with disabilities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/27 of 19 April 1996, approves the Commission's request to the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities.

[See chap. II, sect. A, resolution 1996/27,
and chap. XV.]

9. Human rights and forensic science

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/31 of 19 April 1996, approves the Commission's requests to the Secretary-General:

(a) To maintain and update the list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared; and

(b) To provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing Commission resolution 1996/31.

[See chap. II, sect. A, resolution 1996/31,
and chap. VIII.]

10. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/33 of 19 April 1996, approves the Commission's requests to the Secretary-General:

(a) To ensure strict and transparent project management rules for the United Nations Voluntary Fund for Victims of Torture and to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the projects supported by the Fund;

(b) To ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and technical facilities to ensure the efficient operation and management of the Fund.

[See chap. II, sect. A, resolution 1996/33,
and chap. VIII.]

11. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/40 of 19 April 1996, authorizes the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to meet for five working days prior to the forty-eighth session of the Sub-Commission.

[See chap. II, sect. A, resolution 1996/40, and chap. XXIII.]

12. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/50 of 19 April 1996, approves the Commission's requests to the Secretary-General:

(a) To continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee created by national institutions at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights held at Tunis from 13 to 17 December 1993 during the sessions of the Commission on Human Rights, under the auspices of and in cooperation with the Centre for Human Rights;

(b) To convene, within existing resources, a fourth international workshop on national institutions for the promotion and protection of human rights, to be held, if possible, in Latin America during 1996 or 1997, and to invite Governments and intergovernmental organizations to contribute to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for the purpose of financing, where necessary, attendance by representatives of national institutions.

[See chap. II, sect. A, resolution 1996/50, and chap. IX.]

13. Right to freedom of opinion and expression

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/53 of 19 April 1996, endorses the Commission's decision that the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression should be renewed for a period of three years.

[See chap. II, sect. A, resolution 1996/53, and chap. VIII.]

14. Assistance to States in strengthening the rule of law

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/56 of 19 April 1996, approves the Commission's request to the Secretary-General to submit a report to the General Assembly at its fifty-first session on the results of the contacts established in accordance with paragraph 9 of that resolution, as well as on any other developments pertaining to the implementation of the recommendation of the World Conference on Human Rights referred to in the penultimate preambular paragraph of the same resolution.

[See chap. II, sect. A, resolution 1996/56,
and chap. XVII.]

15. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/57 of 19 April 1996, approves the Commission's request to the independent expert to report to the Commission on Human Rights at its fifty-third session within his mandate and the Commission's request to the Secretary-General to provide adequate resources, from within the regular budget of the United Nations, to fund the activities of the independent expert and the Centre for Human Rights.

[See chap. II, sect. A, resolution 1996/57,
and chap. XVII.]

16. Situation of human rights in Haiti

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/58 of 19 April 1996, approves the Commission's request to the independent expert to report to the Commission at its fifty-third session on the development of the human rights situation in Haiti and on the initiation of the technical cooperation programme in the area of human rights.

[See chap. II, sect. A, resolution 1996/58,
and chap. XVII.]

17. Assistance to Guatemala in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/59 of 19 April 1996, approves the Commission's request to the Secretary-General to extend the mandate of the independent expert so that she may continue to examine the situation of human rights in Guatemala, taking into account the work of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala, provide assistance to the Government in the field of human rights, and submit to the Commission at its fifty-third session a report containing, among other items, an evaluation of the measures taken by the Government in accordance with the recommendations made to it.

[See chap. II, sect. A, resolution 1996/59,
and chap. XVII.]

18. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/64 of 23 April 1996, approves the Commission's request to the Secretary-General to establish, in accordance with the conclusions of the fourth workshop on regional human rights arrangements in the Asian and Pacific region held in Kathmandu from 26 to 28 February 1996, an open-ended team comprised of representatives of interested Governments of the region and the Centre for Human Rights, which could consult with non-governmental organizations and national institutions to ensure the effective preparation of the next workshop and to facilitate the development of regional arrangements.

[See chap. II, sect. A, resolution 1996/64,
and chap. IX.]

19. Composition of the staff of the Centre for Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/65 of 23 April 1996, approves the Commission's request to the Secretary-General to submit a comprehensive report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session on the implementation of the Commission's resolution, including measures adopted and their results, and recommendations for improving the present situation.

[See chap. II, sect. A, resolution 1996/65,
and chap. IX.]

20. Situation of human rights in Equatorial Guinea

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/66 of 23 April 1996, endorses the Commission's decision to renew the mandate of the Special Rapporteur on the situation of human rights in Equatorial Guinea for one year, and approves the Commission's request to the Special Rapporteur to report to the Commission at its fifty-third session.

[See chap. II, sect. A, resolution 1996/66,
and chap. X.]

21. Human rights situation in southern Lebanon and West Bekaa

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/68 of 23 April 1996, approves the Commission's requests to the Secretary-General:

(a) To bring the resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session on the results of his efforts in this regard.

[See chap. II, sect. A, resolution 1996/68,
and chap. X.]

22. Situation of human rights in Cuba

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/69 of 23 April 1996, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Cuba for one year, and approves the Commission's request to the Special Rapporteur to submit an interim report to the General Assembly at its fifty-first session and to report to the Commission at its fifty-third session on the results of his endeavours pursuant to the Commission's resolution.

[See chap. II, sect. A, resolution 1996/69,
and chap. X.]

23. Situation of human rights in the Republic of Bosnia and Herzegovina, the State of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/71 of 23 April 1996, endorses the Commission's decisions:

(a) To extend for one year the mandate of the expert for the special process dealing with missing persons, and to request him to continue to report to the Commission on this matter;

(b) To extend for one year the mandate of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia as revised in the resolution.

[See chap. II, sect. A, resolution 1996/71,
and chap. X.]

24. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/72 of 23 April 1996, endorses the Commission's decision to extend for a further year the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolutions 1991/74 of 6 March 1991, 1992/71 of 5 March 1992, 1993/74 of 10 March 1993, 1994/74 of 9 March 1994 and 1995/76 of 8 March 1995, and approves of the Commission's requests to the Special Rapporteur to report periodically to the Commission on Human Rights on the situation of human rights in Iraq and to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session. The Council also approves the Commission's request to the Secretary-General to provide appropriate additional resources, from within existing overall United Nations resources, to fund the sending of human rights monitors for the purpose set out in paragraph 8 of resolution 1996/72.

[See chap. II, sect. A, resolution 1996/72,
and chap. X.]

25. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/73 of 23 April 1996, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for an additional year, and approves the Commission's request to the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session.

[See chap. II, sect. A, resolution 1996/73,
and chap. X.]

26. Extrajudicial, summary or arbitrary executions

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/74 of 23 April 1996, approves the Commission's invitation to the Special Rapporteur on extrajudicial, summary or arbitrary executions to submit an interim report to the General Assembly at its fifty-first session on the situation worldwide in regard to summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon.

[See chap. II, sect. A, resolution 1996/74,
and chap. X.]

27. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/75 of 23 April 1996, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year, and approves the Commission's request to the Special Rapporteur to report on the situation of human rights in Afghanistan to the Commission at its fifty-third session and to consider submitting a report to the General Assembly at its fifty-first session.

[See chap. II, sect. A, resolution 1996/75, and chap. X.]

28. Situation of human rights in Rwanda

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/76 of 23 April 1996, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Rwanda, as set out in Commission resolution S-3/1 of 25 May 1994, for an additional year, working in cooperation with the Human Rights Field Operation in Rwanda, and approves the Commission's requests to the Special Rapporteur to make recommendations concerning situations in which technical assistance may be appropriate and to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session.

[See chap. II, sect. A, resolution 1996/76, and chap. X.]

29. Situation of human rights in Zaire

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/77 of 23 April 1996, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Zaire for an additional year, and approves the Commission's request to the Special Rapporteur to submit at its fifty-third session a report in which he will, inter alia, indicate how the Government of Zaire has taken into account his recommendations.

[See chap. II, sect. A, resolution 1996/77, and chap. X.]

30. Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/78 of 23 April 1996, endorses the Commission's recommendation that the Council consider devoting the coordination segment at its substantive session of 1998 to the question of the coordinated follow-up to, and implementation of, the Vienna Declaration and Programme of Action (A/CONF.157/23) as part of the 1998 five-year review described in Part II, paragraph 100, of the Vienna Declaration and Programme of Action.

[See chap. II, sect. A, resolution 1996/78,
and chap. XXI.]

31. Situation of human rights in Nigeria

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/79 of 23 April 1996, approves the Commission's request to the two thematic Special Rapporteurs who have requested a joint investigative visit to Nigeria to submit to the Commission at its fifty-third session a joint report on their findings, along with any observations of other relevant mechanisms, in particular the Working Group on Arbitrary Detention, and also approves the Commission request to them to submit an interim report to the General Assembly.

[See chap. II, sect. A, resolution 1996/79,
and chap. X.]

32. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/80 of 23 April 1996, approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and its request to him to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session. The Council also approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1996/80,
and chap. X.]

33. Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/83 of 24 April 1996, approves the Commission's request to the Secretary-General to continue to convene at least twice a year in Geneva meetings with all interested States to provide information and exchange views on the activities conducted by the Centre for Human Rights and its process of restructuring.

[See chap. II, sect. A, resolution 1996/83,
and chap. XXI.]

34. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/84 of 24 April 1996, endorses the Commission's decision to extend the mandate of the Special Representative on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and approves the Commission's request to the Special Representative to submit an interim report to the General Assembly at its fifty-first session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and to report to the Commission at its fifty-third session.

[See chap. II, sect. A, resolution 1996/84,
and chap. X.]

35. Rights of the child

The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/85 of 24 April 1996, approves the Commission's requests:

(a) To the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission, with a view to finalizing the draft optional protocol;

(b) To the Secretary-General to provide the Special Rapporteur on the sale of children, child prostitution and child pornography with all necessary human and financial assistance, from within existing resources, to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session;

(c) To the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission to pursue its mandate, with a view to finalizing the draft optional protocol.

[See chap. II, sect. A, resolution 1996/85,
and chap. XX.]

36. Effects of structural adjustment programmes on the full enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/103 of 11 April 1996 and resolution 1995/32 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and

Protection of Minorities, endorses the Commission's decision to establish an open-ended working group of the Commission to meet for a period of one week prior to its fifty-third session to elaborate, on the basis of the preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights contained in document E/CN.4/Sub.2/1995/10 and in close cooperation with the Committee on Economic, Social and Cultural Rights, policy guidelines on the subject-matter. The Council also endorses the Commission's decision to invite Governments and intergovernmental organizations and non-governmental organizations, as well as the Committee on Economic, Social and Cultural Rights, to contribute to the elaboration of draft policy guidelines by providing their comments on the preliminary set of basic policy guidelines for consideration by the working group.

[See chap. II, sect. B, decision 1996/103,
and chap. V.]

37. Forced evictions

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/104 of 11 April 1996 and resolution 1995/29 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and bearing in mind the conclusions of the United Nations Conference on Human Settlements (Habitat II), to take place in Istanbul in June 1996, authorizes the holding, at an appropriate date after Habitat II, of an expert seminar on the practice of forced evictions with a view to developing comprehensive human rights guidelines on development-based displacement.

[See chap. II, sect. B, decision 1996/104,
and chap. V.]

38. Systematic rape and sexual slavery during periods of armed conflict

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/107 of 19 April 1996 and resolution 1995/14 of 18 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Commission's decision to endorse the decision of the Sub-Commission to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict and to invite Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on this question.

[See chap. II, sect. B, decision 1996/107,
and chap. XV.]

39. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/108 of 19 April 1996 and decision 1995/111 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and recalling Sub-Commission resolution 1994/42 of 26 August 1994, approves the Commission's decisions to endorse the recommendation of the Sub-Commission to request the Special Rapporteur on the question of the human rights dimensions of population transfer, including the implantation of settlers and settlements, to submit his final report to the Sub-Commission at its forty-eighth session, and to request the Secretary-General to provide the Special Rapporteur with all the assistance necessary in order to allow him to complete his work.

[See chap. II, sect. B, decision 1996/108,
and chap. XV.]

40. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/109 of 19 April 1996 and decision 1995/118 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and recalling Sub-Commission resolutions 1989/38 of 29 August 1989 and 1990/28 of 31 August 1990 and decisions 1991/111 of 29 August 1991, 1992/110 of 24 August 1992 and 1994/116 of 26 August 1994, approves the Commission's decision to endorse the recommendation of the Sub-Commission to request the Special Rapporteur on treaties, agreements and other constructive arrangements between States and indigenous populations, Mr. Miguel Alfonso Martínez, to submit a third report to the Working Group on Indigenous Populations at its fourteenth session and to the Sub-Commission at its forty-eighth session and a final report to both bodies at their fifteenth and forty-ninth sessions respectively. The Council also endorses the Commission's decision to request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to continue and conclude his study, in particular by providing for specialized research assistance and for the necessary visits to Geneva for consultation with the Centre for Human Rights, and the resources necessary for a field mission to examine in situ the contemporary significance of a historic treaty in one country, to be determined in consultation with the Government concerned, as a practical example for inclusion in the final report.

[See chap. II, sect. B, decision 1996/109,
and chap. XXIII.]

41. Organization of the work of the fifty-third session

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/110 of 23 April 1996, approves the Commission's recommendation, in the light of the positive experience gained by rescheduling the dates of the fifty-second session on a one-year trial basis, pursuant to the Council's decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, that the dates for the Commission's annual regular session be rescheduled to take place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-third session be rescheduled to take place from 10 March to 18 April 1997.

[See chap. II, sect. B, decision 1996/110, and chap. III.]

42. Organization of the work of the fifty-third session

The Economic and Social Council, taking note of Commission on Human Rights decision 1996/111 of 23 April 1996, authorizes, if possible within existing financial resources, 40 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-third session. The Council approves the Commission's request to the Chairman of the Commission at its fifty-third session to make every effort to organize the work of the session within the times normally allotted, so that the authorized meetings would be utilized only if absolutely necessary.

[See chap. II, sect. B, decision 1996/111, and chap. III.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-SECOND SESSION

A. Resolutions

1996/1. Situation of human rights in Burundi

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its complete determination with regard to respect for the principles of the rule of law, which involves democracy, national unity, pluralism and respect for human rights and fundamental freedoms,

Reaffirming also that all States have the right and duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 1995/90 of 8 March 1995,

Recalling also Security Council resolutions 1040 (1996) of 29 January 1996 and 1049 (1996) of 5 March 1996,

Aware of the fact that Burundi is a party to the 1951 Convention relating to the Status of Refugees, to the 1967 Protocol relating to the Status of Refugees, to the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights,

Recalling the signing of the Convention of Government on 10 September 1994,

Strongly condemning the continued violence against the civilian population, including refugees, displaced persons and international humanitarian aid workers, the murders of government officials and attempts to undermine the legitimacy of the Government,

Firmly convinced that consolidation of democratic gains helps to create a favourable environment for a lasting settlement of the political tensions which have brought bloodshed to the country over the past thirty years and enables every Burundian to take part in the economic and social development of his country,

Emphasizing that the primary responsibility for peace lies with the people of Burundi,

Emphasizing also that the Burundian authorities are responsible for ensuring the safety of humanitarian and other aid workers, refugees, displaced persons and the civilian population, _Emphasizing further_ the importance of coordinating national and international measures to put an end to acts of violence and intimidation and to facilitate wide-ranging dialogue and national reconciliation,

Affirming the fundamental importance of the concerted efforts made in the field of humanitarian aid, recovery and development, and supporting the efforts of the international community to take measures to prevent any further deterioration in the situation in Burundi,

Recognizing the important role of women in the reconciliation process and urging the Government to improve their living conditions,

Welcoming the holding of a special meeting on Burundi during its fifty-second session,

1. _Takes note_ of the reports of the Secretary-General on the situation in Burundi (S/1996/116), of the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/1996/16 and Add.1) and of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to Burundi (E/CN.4/1996/4 and Corr.1);

2. _Takes note with satisfaction_ of the efforts currently being made by the United Nations, the Organization of African Unity, the European Union and the mediators (facilitators) appointed by the conference of Heads of State of the Great Lakes Region, held in Cairo on 29 November 1995, and stresses the pressing need for better coordination, in view of the many initiatives of the international community, to achieve a lasting solution to the problems in the Great Lakes region;

3. _Expresses its support_ for the efforts made by former Presidents Nyerere, Touré and Carter to promote dialogue and national reconciliation, welcomes the efforts undertaken by regional and other groups, in particular the Organization of African Unity and the European Union, and notes with satisfaction the appointment by the European Union of a special envoy for the Great Lakes region;

4. _Commends_ the Organization of African Unity on its deployment of an international observer mission in Burundi and its continued efforts to develop preventive diplomacy to avoid any deterioration of the situation;

5. _Welcomes with satisfaction_ the Tunis Declaration on the Great Lakes Region, of 18 March 1996;

6. _Condemns_ all threats to the democratic process in Burundi and demands an immediate end to violations of human rights and acts of violence and intimidation;

7. _Strongly condemns_ the massacres of civilians that have been taking place in Burundi for the past several years;

8. _Urges_ the authorities of Burundi to put an end to the situation of impunity prevailing in the country, takes note of the establishment of criminal courts, emphasizes its unfailing support for the International

Commission of Inquiry, requesting the national authorities to facilitate its work, and reaffirms its belief that those who are accused of acts of violence must be brought to justice in order to put an end to the impunity they enjoy;

9. Stresses its firm opposition to any change of Government in Burundi through the use of force, and reaffirms its support for the legality of democratic institutions;

10. Invites all sectors of society, both civilian and military, to respect the Constitution of the country and the institutions established by the Convention of Government;

11. Condemns the murder of politicians, national officials, missionaries and journalists;

12. Strongly condemns the media which incite hatred and violence, particularly hate radio broadcasts, and invites States to cooperate in identifying and dismantling such radio stations;

13. Encourages the President, the Prime Minister and his Government and the members of the Parliament of Burundi in their efforts to restore peace in the country, and invites them to pursue their efforts to create conditions conducive to reform, reconciliation and recovery in Burundi;

14. Urges the Government of Burundi and, in particular, the armed forces of Burundi, as well as the other parties involved in the hostilities, scrupulously to respect the principles and rules of international humanitarian law and to facilitate the activities of the International Committee of the Red Cross so that it might carry out its mandate;

15. Appeals to the authorities of Burundi to strengthen measures to guarantee the security and protection of the staff of international, governmental and non-governmental organizations so as to facilitate their work;

16. Makes an appeal for a constructive dialogue involving the civilian, governmental and military sectors in a broad national debate with a view to ending human rights violations and promoting national reconciliation, democracy, respect for human rights and the rule of law, and invites the Government of Burundi to implement measures to make the armed forces, the police force and the judiciary more representative of Burundian society;

17. Appeals to the international community urgently to provide increased humanitarian assistance to displaced persons in Burundi and to Burundian refugees in neighbouring countries, particularly in the context of the implementation of the Bujumbura Plan of Action;

18. Welcomes the agreement signed on 22 September 1994 by the United Nations High Commissioner for Human Rights and the Government of Burundi for the implementation of a major programme of technical assistance and advisory services in the field of human rights;

19. Welcomes the proposal by the Government of Burundi for the establishment of an independent national human rights commission, and urges the United Nations United Nations High Commissioner for Human Rights to provide it with the necessary support;

20. Urges States and international, governmental and non-governmental organizations to cooperate in all initiatives designed to bring about Burundi's recovery, and calls on international financial institutions to support such initiatives;

21. Invites the international community to continue to lend its political, diplomatic, material and financial support to end the violence, to help the Government of Burundi find a lasting solution to political and ethnic tensions and to create favourable conditions for the reintegration of refugees and displaced persons, and, in this context, requests the Secretary-General to strengthen the office of his special representative in Bujumbura;

22. Requests the Secretary-General to strengthen the office of the Centre for Human Rights in Bujumbura and to intensify cooperation between United Nations agencies in the field;

23. Urges the United Nations High Commissioner for Human Rights, in cooperation with the Government of Burundi, to increase the number of human rights observers deployed throughout the country to monitor the human rights situation and prevent violations of those rights, and requests him to set up an assistance programme in the field of human rights;

24. Welcomes with satisfaction the implementation of a programme of technical assistance, and invites the United Nations High Commissioner for Human Rights and the Centre for Human Rights, taking account of the recommendations of the Special Rapporteur on the situation of human rights in Burundi, to provide ongoing technical assistance, particularly in the fields of justice, the training of members of the armed forces and the police, and human rights;

25. Also welcomes with satisfaction the recommendations contained in the report of the Special Rapporteur, and decides to renew his mandate for one year;

26. Requests the Special Rapporteur to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session;

27. Decides to consider the situation of human rights in Burundi at its fifty-third session under the appropriate agenda item.

15th meeting
27 March 1996
[Adopted without a vote. See chap. X.]

1996/2. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the population of the occupied Syrian Golan due to the violation of their human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 50/29 D of 6 December 1995, in which the Assembly, *inter alia*, called upon Israel to put an end to its occupation of the Arab territories,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the principles of international law and under the Charter of the United Nations,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/50/463) and, in this connection, regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and with particular reference to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 which aims at the establishment of a just, comprehensive and lasting peace in the Middle East,

Reaffirming its previous relevant resolutions, the most recent being resolution 1995/2 of 17 February 1995,

1. Calls upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council, *inter alia*, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Also calls upon Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. Further calls upon Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-third session;

7. Decides to include in the provisional agenda of its fifty-third session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

34th meeting
11 April 1996
[Adopted by a roll-call vote of 22 votes to 1,
with 29 abstentions. See chap. IV.]

1996/3. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights, Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in its resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories, including Jerusalem,

Recalling also the General Assembly resolutions on Israeli violations of human rights in occupied Palestine, since 1967 and until now,

Recalling further the provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights in June 1993,

Taking note of the report (E/CN.4/1996/18) of the Special Rapporteur, Mr. Hannu Halinen, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993,

Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, including the latest (A/50/463),

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling on Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem,

Welcoming anew the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 and of the following agreement, whereby violations of human rights will end through the full withdrawal of Israeli forces from the occupied Palestinian territory, including Jerusalem, Recalling all its previous resolutions on the subject, including the latest, resolution 1995/1 of 17 February 1995,

1. Deeply regrets the continued violations of human rights in the occupied Palestinian territory since the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, in particular the continuation of acts of killing and the detention of thousands of Palestinians without trial, the continuation of the extension and the establishment of Israeli settlements, the confiscation of property of Palestinians and expropriation of their land, and calls upon Israel to cease these acts immediately;

2. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and considers any change in the geographic and demographic status of the city of Jerusalem from its situation prior to the June 1967 war to be illegal and void;

3. Calls upon Israel to cease immediately its policy of enforcing collective punishments, such as demolition of houses and closure of the Palestinian territory, a measure which threatens thousands of Palestinians with hunger and endangers their lives;

4. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law and its commitments to the provisions of the Charter and resolutions of the United Nations;

5. Also calls upon Israel to withdraw from the Palestinian territory, including Jerusalem, and the other occupied Arab territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

6. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-third session;

7. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

8. Decides to consider the question at its fifty-third session, as a matter of high priority.

34th meeting
11 April 1996
[Adopted by a roll-call vote of 27 votes to 2,
with 23 abstentions. See chap. IV.]

1996/4. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Recalling that, in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country,

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its resolutions 1990/1 of 16 February 1990, 1991/3 of 15 February 1991, 1992/3 of 14 February 1992, 1993/3 of 19 February 1993, 1994/1 of 18 February 1994 and 1995/3 of 17 February 1995 in which, inter alia, it reaffirmed the illegality of the Israeli settlements in the occupied territories, and noting that Israel has not fully complied with the provisions of those resolutions,

Welcoming the positive development that originated with the International Peace Conference on the Middle East convened in Madrid on 30 October 1991, including in particular the Declaration of Principles on Interim Self-Government Arrangements signed in Washington by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 as well as the Interim Agreement on the West Bank and the Gaza Strip signed in Washington by the same parties on 28 September 1995, followed by the partial redeployment of the Israeli army from the main Palestinian towns and the democratic election of the Palestinian Council and President of the Palestinian Authority,

Condemning in the strongest terms all acts of terrorism, and calling on the Parties not to allow them to affect the ongoing peace process negatively,

Noting with appreciation the report (E/CN.4/1996/18) submitted by the Special Rapporteur pursuant to resolution 1993/2 A of 19 February 1993, in which he recommends, inter alia, that the confiscation of Palestinian-owned land and the construction or expansion of settlements should be halted immediately,

Noting that the question of the Israeli settlements in the occupied territories will be addressed during the negotiations on the final status of the territories, which will start not later than May 1996, and convinced in this regard that a complete cessation by Israel of its policy of expanding the settlements, which may change the physical character and demographic composition of the occupied territories, would greatly facilitate those negotiations,

1. Reaffirms that the installation of Israeli civilians in the occupied territories is illegal and constitutes a violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

2. Reiterates its request to the Government of Israel to comply fully with the provisions of Commission resolutions 1990/1, 1991/3, 1992/3, 1993/3, 1994/1 and 1995/3;

3. Urges the Government of Israel to abstain from installing any settlers in the occupied territories and to prevent any new installation of settlers in these territories.

34th meeting
11 April 1996
[Adopted by 49 votes to 1, with 3 abstentions.
See chap. IV.]

1996/5. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Taking into consideration the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in its resolution 1514 (XV) of 14 December 1960,

Guided by the provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, and in particular Part I, paragraphs 2 and 3, relating to the right to self-determination of all peoples and especially those subject to foreign occupation, Recalling Security Council resolutions 183 (1963) of 11 December 1963 and 218 (1965) of 23 November 1965, which affirmed the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV),

Recalling also General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially Assembly resolutions ES-7/2 of 29 July 1980 and 37/86 E of 20 December 1982,

Reaffirming its previous resolutions in this regard, including the latest, resolution 1995/4 of 17 February 1995,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People which, from 1976 to 1995, have been submitted to the Security Council through the General Assembly,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world,

Recalling that the foreign occupation by the armed forces of a State of the territory of another State constitutes an obstacle to and a grave violation of human rights according to Part I, paragraph 30, of the Vienna Declaration and Programme of Action, and an act of aggression and a crime against the peace and security of mankind, according to General Assembly resolution 3314 (XXIX) of 14 December 1974,

Welcoming the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of Israel and the Palestine Liberation Organization in Washington on 13 September 1993, aimed at enabling the Palestinian people to achieve their national rights and, principally, their right to self-determination free of external intervention,

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference;

2. Calls upon Israel to comply with its obligations under the Charter of the United Nations and the principles of international law, and to withdraw from the Palestinian territory, including Jerusalem, and the other Arab territories which it has occupied since 1967 by military force, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right to self-determination;

3. Requests the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-third session, all information pertaining to the implementation of the present resolution by the Government of Israel;

4. Decides to include in the provisional agenda of its fifty-third session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

34th meeting
11 April 1996
[Adopted by a roll-call vote of 28 votes to 1,
with 23 abstentions. See chap. VII.]

1996/6. Question of Western Sahara

The Commission on Human Rights,

Having considered the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its earlier resolutions, the latest of which is resolution 1995/7 of 17 February 1995,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the then Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, in the framework of their joint mission of good offices,

Recalling further Security Council resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993 and 907 (1994) of 29 March 1994 relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the cease-fire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General accepted by both parties,

Noting the adoption by the Security Council of resolutions 973 (1995) of 13 January 1995, 995 (1995) of 26 May 1995, 1002 (1995) of 30 June 1995, 1017 (1995) of 22 September 1995, 1033 (1995) of 22 December 1995 and 1042 (1996) of 31 January 1996, Welcoming the mission of the Security Council, which visited Western Sahara and the countries of the region from 3 to 9 June 1995,

Welcoming also the appointment of Mr. Erik Jensen as Acting Special Representative of the Secretary-General for Western Sahara,

Concerned that the parties' continuing suspicion and lack of trust have contributed to delays in the implementation of the settlement plan (S/21360 and S/22464),

Welcoming in this context the visit to the region by the Special Envoy of the Secretary-General, from 2 to 9 January 1996,

Noting that, for progress to be achieved, the two parties must have a vision of the post-referendum period,

Expressing the hope for a rapid resolution of the problems causing delays in the completion of the identification process, as well as the code of conduct, the release of political prisoners, the confinement of troops of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro and the arrangements for the reduction of the Moroccan troops in the territory,

Stressing the importance and usefulness of the resumption of direct talks between the two parties mentioned above in order to create a propitious atmosphere conducive to a speedy and effective implementation of the settlement plan,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/50/23 (Part V), chap. IX),

Having also examined the report of the Secretary-General (A/50/504),

1. Takes note with appreciation of the report of the Secretary-General;

2. Pays tribute to the Secretary-General and the personnel of the United Nations Mission for the Referendum in Western Sahara for their action with a view to settling the question of Western Sahara by the implementation of the settlement plan;

3. Reiterates its support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council adopted the settlement plan for Western Sahara;

4. Reaffirms that the goal on which all were agreed consists of the holding of a free, fair and impartial referendum for the people of Western Sahara, organized and conducted by the United Nations in cooperation with the Organization of African Unity and without any military or administrative constraints, in conformity with the settlement plan;

5. Notes with concern the insufficient progress made towards the fulfilment of the settlement plan, including the identification process, the code of conduct, the release of political prisoners, the confinement of troops of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro and the arrangements for the reduction of the Moroccan troops in the territory;

6. Calls upon the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to work with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara in a spirit of genuine cooperation to implement the settlement plan in accordance with the relevant Security Council resolutions;

7. Takes note of the decision of the Security Council to review the arrangements for the completion of the identification process on the basis of the report of the Secretary-General requested in paragraph 4 of its resolution 1017 (1995) and to consider at that time any further necessary measures which might need to be taken to ensure the prompt completion of that process and of all the other aspects relevant to the fulfilment of the settlement plan;

8. Expresses the hope that direct talks between the two parties will soon resume in order to create a propitious atmosphere conducive to speedy and effective implementation of the settlement plan;

9. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the Assembly at its fifty-first session;

10. Decides to follow the development of the situation in Western Sahara and to consider the question at its fifty-third session, as a matter of high priority, under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

34th meeting
11 April 1996
[Adopted without a vote. See chap. VII.]

1996/7. Middle East peace process

The Commission on Human Rights,

Recalling its resolutions 1994/4 of 18 February 1994 and 1995/6 of 17 February 1995, General Assembly resolutions 49/88 of 16 December 1994 and 50/21 of 12 December 1995, and Economic and Social Council resolutions 1994/29 of 27 July 1994 and 1995/52 of 28 July 1995,

Recalling also the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Stressing that the achievement of a comprehensive, just and lasting settlement of the Middle East conflict will constitute a significant contribution to strengthening international peace and security, and is a critical condition for the furthering of human rights in the region,

Recalling the convening of the International Peace Conference on the Middle East in Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups, and noting with satisfaction the broad international support for the peace process,

Noting the continuing positive participation of the United Nations as a full extraregional participant in the work of the multilateral working groups,

Bearing in mind the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C. on 13 September 1993, the Agreement on the Gaza Strip and the Jericho Area, signed by the Government of Israel and the Palestine Liberation Organization in Cairo on 4 May 1994, and the Interim Agreement on the West Bank and the Gaza Strip signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C. on 28 September 1995,

Also bearing in mind the Agreement between Israel and Jordan on the Common Agenda, signed in Washington, D.C. on 14 September 1993, the Agreement on the Preparatory Transfer of Powers and Responsibilities signed by the Government of Israel and the Palestine Liberation Organization on 29 August 1994, and the Jordan-Israel Treaty of Peace of 26 October 1994,

Recalling the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60, in which the Assembly declared that acts, methods and practices of terrorism constituted a grave violation of the purposes and principles of the United Nations, and might pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bodies of society,

1. Stresses the importance of, and the need for, achieving a comprehensive, just and lasting peace in the Middle East;

2. *Emphasizes* that the achievement of such a peace is vital to the full implementation of human rights in the area;

3. *Welcomes* the peace process started in Madrid and supports the subsequent bilateral negotiations;

4. *Also welcomes* the establishment of the Palestinian Authority and its positive efforts to develop sound governance based on the will of the Palestinian people and democratic procedures;

5. *Further welcomes* the elections for the Palestinian Interim Self-Governing Authority held on 20 January 1996 which provide a democratic basis for the establishment of Palestinian institutions;

6. *Supports* the declaration adopted at the Summit of Peacemakers held at Sharm El Sheikh, Egypt, on 13 March 1996, which had as its objectives enhancing the peace process, promoting security and combating terrorism, and condemns terrorist attacks in the Middle East which seek to undermine the peace process and which have caused loss of life and injuries;

7. *Calls upon* the Centre for Human Rights to make available, on request, its programme of advisory services and technical assistance to the Palestinian Authority, and invites Governments to contribute to the programme;

8. *Expresses its full support* for the achievements of the peace process thus far, in particular the Declaration of Principles on Interim Self-Government Arrangements, signed on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, the subsequent Agreement on the Gaza Strip and the Jericho Area, signed on 4 May 1994 by the Government of Israel and the Palestine Liberation Organization, their 29 August 1994 Agreement on the Preparatory Transfer of Powers and Responsibilities, the Interim Agreement on the West Bank and the Gaza Strip, of 28 September 1995, the Agreement between Israel and Jordan on the Common Agenda, of 14 September 1993, the Washington Declaration, signed by Jordan and Israel on 25 July 1994, and the Jordan-Israel Treaty of Peace of 26 October 1994, which constitute important steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements reached;

9. *Encourages* the continuation of negotiations on the implementation of the next stage of the Declaration of Principles on Interim Self-Government Arrangements.

34th meeting
11 April 1996
[Adopted without a vote. See chap. VII.]

1996/8. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote and encourage universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination,

Recalling its resolution 1995/11 of 24 February 1995,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Bearing in mind General Assembly resolutions 3057 (XXVIII) of 2 November 1973 on the first Decade for Action to Combat Racism and Racial Discrimination and 38/14 of 22 November 1983 on the Second Decade to Combat Racism and Racial Discrimination,

Recalling the recommendation of the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights and, in particular, the attention given in the Vienna Declaration and Programme of Action (A/CONF.155/23) to the elimination of racism, racial discrimination, xenophobia and related intolerance,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial discrimination,

Aware of the importance and magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption by the General Assembly, at its forty-fifth session, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, *Aware* that indigenous people are at times victims of particular forms of racism and racial discrimination,

Welcoming General Assembly resolution 48/91 of 20 December 1993, in which the Assembly decided to proclaim the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade,

Deeply concerned that none of the activities provided for in the Programme of Action for the Third Decade has been implemented owing to lack of funds,

Emphasizing the importance of establishing at the Centre for Human Rights a focal point for coordinating all the programmes to be implemented by United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations for the realization of the objectives of the Third Decade,

Emphasizing also the importance of the activities of the Special Rapporteur on contemporary racism, racial discrimination, xenophobia and related forms of intolerance,

1. *Declares* that all forms of racism and racial discrimination, whether institutionalized or resulting from official doctrines of racial superiority or exclusivity, such as "ethnic cleansing", are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. *Commends* all States that have ratified or acceded to the international instruments to combat racism and racial discrimination;

3. *Appeals* to those States that have not yet done so to consider ratifying, acceding to and implementing the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education;

4. *Encourages* States to limit the extent of any reservation they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination and to formulate any reservation as precisely and as narrowly as possible while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law;

5. *Urges* all Governments to take all necessary measures to combat new forms of racism, in particular ongoing adjustment of the methods used to combat them, especially in the legislative, administrative, education and information fields;

6. *Invites* all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism and racial discrimination and to provide relief and assistance to the victims of these evils;

7. Invites the Secretary-General to take action to coordinate all the programmes currently being carried out by United Nations bodies with a view to achieving the objectives of the Third Decade;

8. Again invites the Secretary-General to establish within the Centre for Human Rights a focal point, the creation of which had been called for by the Economic and Social Council;

9. Requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities and those of migrant workers in the fields of education, training and employment, and to submit, *inter alia*, specific recommendations for the implementation of measures to combat the effects of that discrimination;

10. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, so that it can enter into force as soon as possible;

11. Urges the Secretary-General, United Nations bodies and specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous people;

12. Requests the Secretary-General to publish and distribute as soon as possible the model legislation on racism and racial discrimination for the guidance of Governments in the enactment of further legislation against racial discrimination;

13. Invites the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and second levels of education;

14. Regrets that some of the activities for the Second Decade to Combat Racism and Racial Discrimination have not been implemented because of lack of adequate resources;

15. Deeply regrets that the financial resources which should have been allocated for the implementation of the 1994-1995 biennial programme for the Third Decade were not provided;

16. Requests, therefore, the Secretary-General to include the activities for the Third Decade not implemented in the 1994-1995 biennial programme in the future programme for the Decade and to provide the resources necessary for it;

17. Notes the request of the General Assembly addressed to the Secretary-General to consult Member States and intergovernmental, as well as non-governmental, organizations on the possibility of holding a world conference to combat racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

18. Recommends that the Economic and Social Council, at its substantive session of 1996, request the Secretary-General to take the necessary measures in order to transmit the results of these consultations to the General Assembly at its fifty-first session;

19. Calls upon the international community to provide the Secretary-General with appropriate financial resources for efficient action against racism and racial discrimination;

20. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade to Combat Racism and Racial Discrimination;

21. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme;

22. Strongly appeals, therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

23. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1996-1997;

24. Takes note of the report of the Secretary-General on the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1996/71 and Add.1);

25. Recommends that the activities mentioned in the plan of activities to be carried out during the first third of the Third Decade to Combat Racism and Racial Discrimination (1994-1997), as contained in the report of the Secretary-General to the Economic and Social Council at its substantive session of 1994 (E/1994/97), should be implemented;

26. Decides to maintain on its agenda the item entitled "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" and to consider it as a matter of high priority at its fifty-third session.

34th meeting
11 April 1996
[Adopted without a vote. See chap. XII.]

1996/9. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Bearing in mind all the references to this question in the final documents adopted by the World Summit on Social Development, held in Copenhagen in 1995, and the Fourth World Conference on Women: Action for Equality, Development and Peace, held in Beijing in 1995,

Reaffirming its previous resolutions on this question,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals,

Taking note of the report submitted by the Secretary-General pursuant to Commission resolution 1995/45 (E/CN.4/1996/45 and Add.1),

1. Calls once again upon all States to refrain from adopting or implementing any unilateral measure not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, inter alia children, women and the elderly;

3. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

4. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that in no case may a people be deprived of its own means of subsistence;

5. Endorses the criteria of the Working Group on the Right to Development according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development;

6. Urges the working group on the implementation and promotion of the right to development to take into account the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

7. Requests the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

8. Decides to examine this question, on a priority basis, at its fifty-third session under the same agenda item.

34th meeting
11 April 1996
[Adopted by a roll-call vote of 32 votes
to 14, with 7 abstentions. See chap. V.]

1996/10. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals, Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their rights and their fundamental freedoms,

Noting the provisions of the Convention on the Rights of the Child, which recognizes that there are in all countries in the world children living in especially difficult conditions and that special attention should be paid to such children,

Welcoming the relevant provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, its resolution 1991/14 of 22 February 1991, in which it recommended that the Sub-Commission should give attention more particularly to the conditions in which the poorest themselves can convey their experience and their thinking, its resolution 1992/11 of 21 February 1992, its resolution 1993/13 of 26 February 1993 approving the appointment of Mr. Leandro Despouy as Special Rapporteur for that study, its resolution 1994/12 of 25 February 1994, in which it approved the recommendations of the Special Rapporteur relating to the organization of a seminar on extreme poverty and the denial of human rights, and its resolution 1995/16 of 24 February 1995, in which it took note of the conclusions and recommendations of that seminar (E/CN.4/1995/101) and invited the Special Rapporteur to give due attention to the Copenhagen Declaration and Programme of Action of the World Summit for Social Development (A/CONF.166/9),

Recalling also General Assembly resolutions 48/183 of 21 December 1993, in which the Assembly proclaimed the International Year for the Eradication of Poverty, which will be celebrated in 1996, and 49/179, dated 23 December 1994, in which the Assembly reaffirmed that extreme poverty and social exclusion constitute a violation of human dignity and that States must foster participation by the poorest,

Welcoming the adoption by the General Assembly of resolution 50/107 of 20 December 1995, in which the Assembly proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006),

Stressing that, in the Copenhagen Declaration and Programme of Action, Governments committed themselves to eradicating poverty throughout the world through national action and international cooperation, taking account of the fact that this is an ethical, social, political and economic imperative of humankind,

Recalling that, in the Copenhagen Declaration, Governments committed themselves to ensuring that all men and women, especially those living in poverty, may exercise the rights, utilize the resources and share the responsibilities that enable them to lead satisfying lives and contribute to the well-being of their families, communities and humankind, *Recalling also* that in the Copenhagen Declaration and Programme of Action States decided to formulate or strengthen, preferably by the year 1996, the International Year for the Eradication of Poverty, national policies and strategies geared to substantially reducing all forms of poverty, reducing inequalities and eradicating absolute poverty by a target date to be specified by each country, and to develop a precise definition and assessment of absolute poverty,

Recalling further the Beijing Declaration and Platform for Action of the Fourth World Conference on Women: Action for Equality, Development and Peace (A/CONF.177/20), which recognizes the persistent and increasing burden of poverty on women,

Bearing in mind in this context the actions already undertaken in the relevant forums to ensure the realization of economic, social and cultural rights,

Mindful of the second interim report on human rights and extreme poverty (E/CN.4/Sub.2/1995/15), submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-seventh session by the Special Rapporteur,

1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. *Also reaffirms* that, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23), it is essential for States to foster participation by the most destitute in the decision-making process in their communities, in the promotion of human rights and in efforts to combat extreme poverty;

3. *Draws the attention* of the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

4. *Encourages* the Committee on Economic, Social and Cultural Rights to pay more attention in its work to the question of extreme poverty and exclusion from society;

5. *Welcomes* the fact that the Committee on the Rights of the Child, in its discussions and work, gives attention to the situation of children living in extreme poverty with a view to promoting the enjoyment by all children of all rights recognized in the Convention on the Rights of the Child, and encourages the Committee to continue in this way;

6. *Recalls* that, to ensure the protection of the rights of all individuals, non-discrimination as regards the poorest and the effective exercise of all human rights and fundamental freedoms, a better understanding is needed of what people living in extreme poverty, including women and

children, endure and that thought must be given to the subject on the basis of the experience and ideas of the poorest themselves and of those working alongside them;

7. Endorses resolution 1995/28 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission took note with appreciation of the second interim report of the Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1995/15) and commended him for having included in his report testimony and observations by the most destitute persons, since that brought greater awareness of the living conditions of those in extreme poverty and a better understanding of the link between extreme poverty and human rights;

8. Welcomes the fact that the Special Rapporteur, in his second interim report, took into consideration the Copenhagen Declaration and Programme of Action of the World Summit for Social Development (A/CONF.166/9);

9. Awaits the final report on the study undertaken by the Special Rapporteur to be submitted to the Sub-Commission at its forty-eighth session and its potential contribution to the International Year for the Eradication of Poverty and the United Nations Decade for the Eradication of Poverty (1997-2006);

10. Draws the attention of Governments, within the framework of the elaboration of the definition of absolute poverty requested in the Copenhagen Declaration and Programme of Action, to the reflection undertaken by the Special Rapporteur concerning such a definition;

11. Invites the Special Rapporteur to continue to give special attention to the following aspects in preparing his reports:

(a) The effects of extreme poverty on the enjoyment and exercise of all human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the realization of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those working alongside them;

12. Also invites the Special Rapporteur, in the recommendations which he will submit in his final report, to suggest appropriate follow-up measures;

13. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, particularly his consultations with United Nations bodies, Governments, specialized agencies and intergovernmental and non-governmental organizations, including, as appropriate, assistance from those with experience of the subject;

14. Welcomes the fact that the events organized by the United Nations to celebrate the International Day for the Eradication of Poverty on 17 October focused on the poorest and gave due attention to events organized worldwide since 17 October 1987 on the theme "Rejection of extreme poverty", which have underlined the relationship between extreme poverty and human rights;

15. Invites States, the organs of the United Nations and intergovernmental and non-governmental organizations, in conformity with the Vienna and Copenhagen Declarations and Programmes of Action, to take into account, in the activities to be undertaken within the framework of the International Year and the International Decade for the Eradication of Poverty, the links between the eradication of poverty and the realization of human rights, as well as the efforts of the poorest to combat poverty and the importance of associating them with the elaboration, implementation, follow-up and evaluation of these activities;

16. Requests the Secretary-General to make the second interim report of the Special Rapporteur available to the special session of the Commission for Social Development within the framework of the follow-up process of the World Summit on Social Development on the question of the eradication of poverty, and to the next substantive session of the Economic and Social Council, where the coordination segment will be devoted to activities undertaken to eradicate poverty;

17. Decides to consider this question at its fifty-third session under the same agenda item.

34th meeting
11 April 1996
[Adopted without a vote. See chap. V.]

1996/11. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of living in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality, Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, which underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international cooperation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international solidarity and cooperation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Recalling the adoption by the World Summit for Social Development, held in Copenhagen in March 1995, of its important Declaration and Programme of Action (A/CONF.166/9), which call for the highest priority to be given in national, regional and international policies and actions to the promotion of social progress, justice and the betterment of the human condition based on full participation by all,

Emphasizing the importance of the Limburg Principles on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1987/17),

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard, Recalling that the World Conference on Human Rights encouraged the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for an effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

Recalling its resolution 1995/15 of 24 February 1995,

1. Affirms that the full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

2. Welcomes the important work of the Committee on Economic, Social and Cultural Rights in its continuing efforts to give impetus to the implementation process and to develop greater in-depth understanding of the relevant issues within the framework of the International Covenant on Economic, Social and Cultural Rights by holding general discussions on specific rights or articles and by adopting general comments;

3. Takes note with interest of General Comment No. 6 adopted by the Committee on the economic, social and cultural rights of older persons (E/C.12/1995/16/Rev.1);

4. Also takes note with interest of the report of the Committee on the technical assistance mission to Panama (E/C.12/1995/8), undertaken in accordance with the procedure for follow-up action adopted by the Committee and in pursuance of article 23 of the International Covenant on Economic, Social and Cultural Rights;

5. Takes note of the steps taken by the Committee for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant, including the general discussion held in 1995, and welcomes the information submitted by the Committee to the Commission on Human Rights on this issue (E/CN.4/1996/96);

6. Encourages States parties to continue to give their full support and cooperation to the Committee on Economic, Social and Cultural Rights and to use their reporting obligation as a process to assist the realization of economic, social and cultural rights, ensuring popular participation in the national consideration of their periodic reports, as well as the widest possible distribution of those reports at the national level;

7. Urges all States parties to submit their reports in a regular and timely manner, as recommended in the Vienna Statement of the International Human Rights Treaty Bodies, adopted during the World Conference on Human Rights (A/CONF.157/TBB/4 and Add.1);

8. Recognizes the importance of using appropriate indicators as a means of measuring or assessing progress in the realization of human rights, as referred to in the Vienna Declaration and Programme of Action (A/CONF.157/23);

9. Recalls the conclusions and recommendations of the 1993 seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, and recommends that, as a follow-up, the Centre for Human Rights convene expert seminars focused on specific economic, social and cultural rights with a view to clarifying the particular content of these rights;

10. Invites Member States, when including measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes, to consider the desirability of drawing up a national action plan identifying steps to improve the situation of human rights, to seek the participation of communities affected by the non-realization of these rights, as well as to identify specific national benchmarks designed to give effect to the minimum essential levels of economic, social and cultural rights;

11. Reaffirms the importance of ensuring the study of specific economic, social and cultural rights, and in this framework recognizes the interest of the final report on the right to adequate housing, submitted by Mr. Rajindar Sachar, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/12);

12. Takes note of the expert group meetings convened in preparation for the United Nations Conference on Human Settlements (Habitat II), especially the expert group meeting on the human right to adequate housing, organized in January 1996, in Geneva, by the Centre for Human Rights and the United Nations Centre for Human Settlements (Habitat), and the advisory panel meeting on housing rights, organized also in January 1996, in New York, by the United Nations Centre for Human Settlements;

13. Welcomes the convening of the United Nations Conference on Human Settlements (Habitat II), to be held in Istanbul in June 1996;

14. Recalls, in this context, the international legal foundations set out in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention relating to the Status of Refugees, and the commitments contained in the declarations, plans, programmes and platforms of action adopted at Rio de Janeiro, Vienna, Cairo, Copenhagen and Beijing;

15. Welcomes the preliminary report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. José Bengoa (E/CN.4/Sub.2/1995/14);

16. Reaffirms the importance of enhancing the cooperation between the financial institutions and the human rights bodies of the United Nations, in particular through the participation of the representatives of those institutions in the meetings of the human rights bodies;

17. Welcomes the dialogue which has been established between human rights bodies, in particular the Centre for Human Rights as coordinating focal point, and other bodies of the United Nations system, including the international financial institutions, and encourages these bodies to increase their participation in the meetings of human rights bodies, including the treaty monitoring bodies, as well as to assess the impact of their policies and programmes on the enjoyment of human rights;

18. Takes note of the report of the Secretary-General on a preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights (E/CN.4/Sub.2/1995/10);

19. Requests the Secretary-General to invite the international financial institutions to continue considering the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights;

20. Requests the United Nations High Commissioner for Human Rights to continue to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

21. Encourages the United Nations High Commissioner for Human Rights to continue to take into full consideration economic, social and cultural rights in carrying out his mandate;

22. Encourages country rapporteurs to consider including, when appropriate, a specific reference to the enjoyment of economic, social and cultural rights in their reports;

23. Encourages the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights, and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as developing adequate means of evaluating and monitoring their realization;

24. Decides to consider issues raised in the present resolution at its fifty-third session under the appropriate agenda item.

35th meeting
11 April 1996
[Adopted without a vote. See chap. V.]

1996/12. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

Recalling General Assembly resolution 32/130 of 16 December 1977,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Bearing in mind all resolutions adopted in this regard by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines related to the human person in order to promote all human rights effectively,

Aware that the serious problem of the external debt burden remains one of the most critical factors adversely affecting economic and social development and living standards in many developing countries, with serious effects of a social nature,

Concerned about the repercussions of structural adjustment programmes on the realization and full enjoyment of economic, social and cultural rights,

Recognizing the need to address the obstacles that impede the implementation of the Declaration on the Right to Development and the enjoyment of economic, social and cultural rights all over the world, Aware of the fact that the Working Group on the Right to Development identified the problem of foreign debt as one of the obstacles to development and, consequently, to the implementation of the Declaration on the Right to Development,

Deeply concerned that the debt-service obligations remain high, that the factors determining the capacity to pay have not moved in consonance with the debt-service obligations of the majority of developing countries and that the prospects for reducing the adverse effects of the debt burden on the development process in developing countries continue to be uncertain,

Noting that developing countries still meet their debt obligations at considerable cost to their economies,

Noting with regret the negative effects of the policies adopted to face situations of external debt burden on the realization and enjoyment of economic, social and cultural rights,

Stressing that the present international economic order continues to be unfair and needs to be transformed,

Stressing also that measures for debt reduction need to be accompanied by vigorous measures aimed at improving the international economic environment in order to facilitate the growth and development of developing countries,

Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development and that it is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, housing, health, food, education and employment of the population, especially among the most vulnerable and low-income groups,

Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions of the large majority of people in the developing world, at its negative effects on the full enjoyment of human rights and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

Recalling all its resolutions related to the debt crisis,

Taking into account the reports submitted by the Secretary-General in accordance with its resolutions 1994/11 and 1995/13 (E/CN.4/1995/25 and Add.1 and 2 and E/CN.4/1996/22),

1. Takes note with appreciation of the report of the Secretary-General submitted in accordance with its resolution 1995/13;

2. Stresses the importance of continuing to implement immediate actions for alleviating the debt and debt-service burdens of developing countries with external debt problems in the framework of the realization of economic, social and cultural rights;

3. Emphasizes the need for additional debt-reduction measures, in particular, cancellation or partial reduction of the official debt or debt service, and consideration of other possible specific forms and means of resolving the external debt problem of the developing countries, including rescheduling agreements, and for an urgent solution to the commercial and multilateral debt owed by developing countries, taking into account the needs of debtor countries;

4. Stresses the need for new financial flows to debtor developing countries;

5. Urges creditor countries and multilateral financial institutions to continue to extend concessional financial assistance in order to support the implementation by the developing countries of their economic reform programmes that enable them to achieve adequate technological and productive progress, to extricate themselves from debt overhang and to obtain economic growth and development and to compensate, in some measure, the developing countries that meet their obligations at considerable cost to their economies;

6. Affirms that debt repayments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment;

7. Stresses that foreign debt continues to be one of the major obstacles to the realization of the right to development;

8. Requests the working group on the implementation and promotion of the right to development to pay special attention in its work to the social repercussions of the policies adopted to face the effects of external debt on the realization of economic, social and cultural rights and to make recommendations in this regard;

9. Recognizes that there is a need for more transparency in the activities of international financial institutions;

10. Requests the international financial institutions to report periodically to the General Assembly and the Economic and Social Council on the social repercussions of their policies on the full enjoyment of economic, social and cultural rights in the developing countries;

11. Considers that, in order to find a durable solution to the debt crisis, there is a need for a political dialogue within the United Nations system between creditor and debtor countries, based on the principle of shared responsibility;

12. Also considers that this dialogue should contribute to the initiation of an integral process aimed at restructuring the international economic order, with the objective of achieving more equitable and fair relations among all nations of the world;

13. Requests the Secretary-General to continue the efforts to carry out this dialogue and to submit to the Commission at its fifty-third session, after a high-level consultation process with Governments, heads of

multilateral financial institutions and specialized agencies, as well as with intergovernmental and non-governmental organizations, a report on the measures to be implemented in order to achieve a durable solution to the debt crisis of developing countries, so that they may fully enjoy all human rights;

14. Affirms that the process of consultations already initiated by the Secretary-General in accordance with Commission resolution 1994/11 of 25 February 1994 should lead to the convening of high-level meetings at the regional and global levels;

15. Requests the United Nations High Commissioner for Human Rights to continue to pay particular attention to the problem of the debt burden of developing countries;

16. Requests the Secretary-General to establish a programme unit in the Centre for Human Rights for the promotion of economic, social and cultural rights, in particular those related to the debt burden of developing countries and the implementation of the right to development;

17. Decides to continue to consider this matter at its fifty-third session, under the same agenda item.

35th meeting
11 April 1996
[Adopted by a roll-call vote of 34 votes
to 16, with 1 abstention. See chap. V.]

1996/13. Human rights and the environment

The Commission on Human Rights,

Recalling its resolution 1995/14 of 24 February 1995, in which it requested the Secretary-General to submit to the Commission, at its fifty-second session, a report containing the opinions of Governments, specialized agencies and intergovernmental and non-governmental organizations on the issues raised in the final report submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities by its Special Rapporteur on human rights and the environment, Mrs. Fatma Zohra Ksentini (E/CN.4/Sub.2/1994/9 and Corr.1),

Recalling also its resolutions 1993/90 of 10 March 1993 and 1994/65 of 9 March 1994,

Taking note of resolutions 1994/27 and 1994/37 of 26 August 1994 and 1995/23 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking into account the report submitted by the Secretary-General in accordance with its resolution 1995/14 on human rights and the environment (E/CN.4/1996/23 and Add.1), Aware that the Secretary-General continues to receive opinions on the issues raised in the final report of the Special Rapporteur on human rights and the environment,

1. Requests the Secretary-General to renew his request for the opinions of Governments, specialized agencies and intergovernmental and non-governmental organizations and to submit a report to the Commission on Human Rights at its fifty-third session;

2. Decides to continue its consideration of this issue at its fifty-third session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights."

35th meeting
11 April 1996
[Adopted without a vote. See chap. V.]

1996/14. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23), particularly on the question of the human rights to life and to good health,

Recalling its resolutions 1989/42 of 6 March 1989, 1990/43 of 6 March 1990, 1991/47 of 5 March 1991, 1993/90 of 10 March 1993 and 1995/81 of 8 March 1995,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989, 45/13 of 7 November 1990 and 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling further resolution 1153 (XLVIII) of 25 May 1988 of the Council of Ministers of the Organization of African Unity declaring that the dumping of toxic wastes in the continent was a crime against Africa and the African people,

Affirming that the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them, Recalling resolutions GC(XXXIII)/RES/509 on the dumping of nuclear wastes and resolution GC(XXXIV)/RES/530 Establishing a Code of Practice on International Transboundary Movement of Radioactive Waste, adopted on 29 September 1989 and 21 September 1990 respectively by the General Conference of the International Atomic Energy Agency, and the decision of the General Conference to keep the question of the international transboundary movements of radioactive waste under active review, including the desirability of concluding a legally binding instrument under the auspices of the International Atomic Energy Agency, in view of their adverse effects on the human rights to life and health of every human person,

Mindful of the call by the World Conference on Human Rights on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of dumping in African and other developing countries by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes that constitute a serious threat to the human rights to life and health of everyone, and which they cannot dispose of within their territories of operation,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

Having considered the preliminary report of the Special Rapporteur (E/CN.4/1996/17),

1. Takes note of the preliminary report of the Special Rapporteur and in particular her preliminary conclusions and recommendations;

2. Notes with grave concern that the increasing rate of illicit dumping of toxic and dangerous products and wastes in developing countries continues adversely to affect the human rights to life and health of individuals in those countries;

3. Reaffirms that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and good health of every individual;

4. Welcomes the decision by the States parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at their third meeting in 1995 to introduce an amendment to the Convention banning the export of hazardous wastes, including those for recycling, from the countries listed in annex VII to the Convention to those countries not listed therein, and urges all States parties to the Basel Convention to ratify the amendment to facilitate its early entry into force;

5. Urges all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. Invites the United Nations Environment Programme, the secretariat for the Basel Convention, the International Register of Potentially Toxic Chemicals, the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and the Organization of African Unity and other regional organizations to intensify their cooperation and assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. Urges the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to give appropriate support to developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

8. Requests the Special Rapporteur, in preparing her next report, to consult all relevant bodies, in particular the secretariat for the Basel Convention, and urges all Governments, United Nations bodies and specialized agencies, the United Nations Environment Programme, the secretariat for the Basel Convention and non-governmental organizations to cooperate fully with the Special Rapporteur by providing information on the movement and dumping of toxic and dangerous products and wastes;

9. Also requests the Special Rapporteur to continue to undertake, within her mandate, a global, multidisciplinary and comprehensive study of existing problems and solutions to illicit traffic in, transfer to and dumping of toxic and dangerous products and wastes in African and other developing countries, with a view to making recommendations and proposals, in her next report, on adequate measures to control, reduce and eradicate these phenomena;

10. Further requests the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission information on countries and enterprises, including transnational corporations, engaged in the illicit movement and dumping of toxic and dangerous products and wastes in African and other developing countries;

11. Welcomes the undertaking by the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission information on persons killed, maimed or otherwise injured in developing countries through this heinous act;

12. Requests the Secretary-General to continue to provide the Special Rapporteur with all the necessary financial and human resources, including administrative support in the Centre for Human Rights, for the fulfilment of her mandate;

13. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-third session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of

Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

35th meeting
11 April 1996
[Adopted by a roll-call vote of 32 votes to 16, with 3 abstentions. See chap. V.]

1996/15. The right to development

The Commission on Human Rights,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling General Assembly resolution 50/184 of 22 December 1995 and 50/214 of 23 December 1995, as well as its own resolution 1995/17 of 24 February 1995,

Reaffirming the Declaration on the Right to Development, proclaimed at the forty-first session of the General Assembly, and underlining its multidimensional, integrating and dynamic character which favours a partnership for development and constitutes a relevant framework for international cooperation and national action aiming at the universal and effective respect of all human rights in their universality, indivisibility and interdependence,

Welcoming the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights and reaffirmed that the human person is the central subject of development,

Considering that the declarations and programmes of action adopted by the World Conference on Human Rights and at other recent United Nations conferences reaffirmed the universality, interdependence and interrelated character of all human rights, thus contributing to the effective realization of the right to development,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Noting that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Noting also that the reinforcement of a comprehensive concept of development consistent with each country's conditions and needs, together with adequate domestic economic and social policies and the promotion of the elimination of inequality and increased participation of the people in decision-making at all levels, including in the formulation and implementation of development programmes, would favour development at the national level,

Reaffirming the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of their fundamental human rights,

Having considered all the reports of the Working Group on the Right to Development,

Taking note of the report of the Secretary-General (E/CN.4/1996/25),

1. Welcomes the efforts deployed by the Working Group on the Right to Development during its mandate and its contribution to the effective implementation of the Declaration on the Right to Development, and expresses its appreciation to the Chairman-Rapporteur and to the members of the Working Group for the proposals and recommendations they have elaborated;

2. Urges States to pursue the promotion and protection of economic, social, cultural, civil and political rights and the implementation of comprehensive development programmes, integrating these rights into development activities;

3. Invites States further to strengthen cooperation for the implementation of the right to development by submitting to the United Nations High Commissioner for Human Rights voluntary reports on progress and steps taken for its realization, as well as on obstacles encountered in that respect;

4. Encourages States to assign existing or new administrative units to serve as focal points for collecting and disseminating useful information required for further implementation of the right to development;

5. Recalls that the General Assembly requested the Secretary-General, taking into account the proposals of the United Nations High Commissioner for Human Rights made in the context of the ongoing process of restructuring the Centre for Human Rights, to establish in the 1996-1997 biennium a new branch whose primary responsibilities would include the promotion and protection of the right to development;

6. Also recalls that the General Assembly requested the Secretary-General to formulate appropriate programmatic follow-up to the activities to be carried out by that branch, in particular follow-up to the implementation of the Declaration on the Right to Development in accordance with paragraph 6 of General Assembly resolution 50/184, for inclusion in the next medium-term plan;

7. Invites the regional commissions to consider how they might contribute, within their respective mandates, to the implementation of the right to development and to include this aspect of their activities in the reports which they submit to the Economic and Social Council;

8. Invites the United Nations High Commissioner for Human Rights to ensure widespread dissemination and promotion of the Declaration, in close cooperation with States and intergovernmental organizations, as well as institutes of human rights, academia and interested non-governmental organizations all over the world, so that the Declaration is better known to those in charge of its implementation;

9. Invites the relevant treaty bodies to consider examining, within the scope of their mandate, the proper means for their contribution to the implementation of the right to development;

10. Invites the appropriate specialized agencies of the United Nations system to contribute, in accordance with their mandates, to the realization of the right to development through dissemination of information and coordination with other institutions and the Centre for Human Rights on the subject;

11. Recommends that the Economic and Social Council, in the ongoing discussions on its reform, consider how best to promote system-wide action to promote and protect the right to development, for example including it for its consideration and conveying its conclusions to relevant international bodies, including the Bretton Woods institutions;

12. Also recommends that the Economic and Social Council deepen the review of all issues relevant to the implementation of the right to development, including the promotion of a favourable international and national economic environment;

13. Requests the United Nations High Commissioner for Human Rights, in his capacity as overall coordinator of United Nations human rights activities, to continue his dialogue with appropriate specialized agencies and bodies of the United Nations system with regard to the impact of their programmes and activities on the implementation of the right to development;

14. Reaffirms that the implementation of the Declaration on the Right to Development requires perseverance and concrete efforts and that this dynamic process should be pursued at all appropriate levels, including through the elaboration of international and national strategies, which requires the effective contribution of States, organs and organizations of the United Nations system and of non-governmental organizations active in this field;

15. Decides, to this end, to establish an intergovernmental working group of experts with a mandate to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development, in its integrated and multidimensional aspects, bearing in mind the conclusions of the Working Group on the Right to Development, established by the Commission on Human Rights in resolution 1993/22, and the conclusions of the World Conference on Human Rights and of the four World Conferences (the United Nations Conference on Environment and Development, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women: Action for Equality, Development and Peace), and that:

(a) Such working group be established for a two-year period;

(b) The working group elaborate concrete and practical measures for the implementation and promotion of the right to development and submit a progress report to the Commission on Human Rights at its fifty-third session; the working group shall focus on the development of such a strategy, which should include recommendations for further practical measures for implementation and promotion, and report to the Commission at its fifty-fourth session;

(c) The members of the working group will be appointed on the basis of equitable geographical representation, in consultation with the regional groups, and of their competence and acquired experience in this field; and urges that they accomplish their mandate;

(d) The working group shall be composed of 10 experts, nominated by Governments, to be appointed by the Chairman of the Commission on Human Rights;

(e) The working group experts will be in consultation with the treaty bodies and with the United Nations High Commissioner for Human Rights on all issues relevant to the implementation of the right to development;

16. Calls upon the Secretary-General to ensure that the working group receives all necessary assistance, within overall existing resources, in particular the staff and resources required to fulfil its mandate;

17. Calls upon Governments, intergovernmental organizations and non-governmental organizations to envisage making voluntary additional contributions in order to strengthen support and execution of the activities linked to the implementation of the right to development;

18. Requests the Secretary-General to submit a report on the implementation of the present resolution to the Commission at its fifty-third session;

19. Decides to consider the question of the right to development at its fifty-third session under the agenda item entitled "Question of the realization of the right to development".

35th meeting
11 April 1996
[Adopted without a vote. See chap. VI.]

1996/16. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 50/171 of 22 December 1995 and its own resolution 1995/22 of 24 February 1995, Mindful that the International Covenants on Human Rights constitute all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Having considered the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1996/75),

Noting that many States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind the successful conclusion of the World Conference on Human Rights and the adoption of the Vienna Declaration and Programme of Action (A/CONF.157/23), and taking into account in particular the call for strengthening and further implementation of the human rights instruments,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify or accede to them and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Encourages States, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23), to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate such reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

6. Also encourages States parties to review periodically any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed conditions and procedure for derogation under

article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide full and timely information also during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions, and welcomes further efforts of the Committees to improve their methods of work, as well as to pay due attention to equal enjoyment of human rights by women and men;

9. Welcomes the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar questions of human rights to accept these uniform standards as expressed in the general comments of the two Committees;

10. Takes note of the measures taken by the Committee on Economic, Social and Cultural Rights towards the elaboration of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights as recommended by the World Conference on Human Rights, and requests the Committee to submit a report on the matter to the Commission on Human Rights at its fifty-third session;

11. Urges States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights and in their reports to make use of gender-disaggregated data;

12. Also urges States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights;

13. Invites States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

14. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as possible and to disseminate them as widely as possible in order to make them better known among the general public;

15. Requests the Secretary-General to consider ways and means of assisting States parties to the Covenants, with their agreement, in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the

preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

16. Also requests the Secretary-General to provide the Human Rights Committee and the Committee on Economic, Social and Cultural Rights with additional means to deal effectively and in a timely manner with the increasing workload;

17. Further requests the Secretary-General to submit to the Commission on Human Rights, at its fifty-third session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations;

18. Decides to include in the provisional agenda of its fifty-third session the item entitled "Status of the International Covenants on Human Rights".

35th meeting
11 April 1996
[Adopted without a vote. See chap. XIII.]

1996/17. Violence against women migrant workers

The Commission on Human Rights,

Recalling its resolution 1995/20 of 24 February 1995, General Assembly resolutions 47/96 of 16 December 1992, 48/110 of 20 December 1993, 49/165 of 23 December 1994 and 50/168 of 22 December 1995, as well as Commission on the Status of Women resolutions 38/7 of 18 March 1994, 39/7 of 31 March 1995 and 40/6 of 22 March 1996,

Taking note with concern of the report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its twentieth session (E/CN.4/Sub.2/1995/28 and Add.1), in particular its observations with respect to the treatment of migrant workers,

Acknowledging the attention given to violence against women migrant workers in the report of the Special Rapporteur on violence against women, its external and internal root causes and its consequences (E/CN.4/1996/53),

Stressing that the promotion of the human rights of women constitutes an integral part of the human rights activities of the United Nations, as reaffirmed in the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993,

Welcoming the conclusions and recommendations made by recent international conferences, including the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for

Social Development and the Fourth World Conference on Women: Action for Equality, Development and Peace, on the promotion and protection of the rights and fundamental freedoms of women, including women migrant workers,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families, as a consequence of poverty, unemployment and other socio-economic conditions, while recognizing that it is the duty of sending countries to protect and promote the interests of their citizens who seek or receive employment in other countries, to provide them with appropriate training or education and to apprise them of their rights and obligations in the countries of employment,

Concerned by the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving countries to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Reiterating that acts of violence directed against women impair or nullify their enjoyment of their human rights and fundamental freedoms,

1. Determines to prevent and eliminate all forms of violence against women and girls;

2. Calls upon States to adopt measures for the effective implementation of the Declaration on the Elimination of Violence against Women, including applying them to women migrant workers, as well as all relevant measures emanating from recent world conferences;

3. Encourages States to enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;

4. Also encourages States to adopt and/or implement and periodically to review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders, and to take measures to ensure the protection of women subjected to violence and that they have access to just and effective remedies, including compensation and indemnification and healing of victims, and for the rehabilitation of perpetrators;

5. Reiterates the need for States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them, adopting specific measures to address these problems, setting up, as necessary, linguistically and culturally accessible

services and mechanisms to implement these measures and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside;

6. Encourages States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926;

7. Requests the United Nations High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteur on violence against women, as well as all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women to give particular attention to the issue of violence perpetrated against women migrant workers;

8. Welcomes the scheduled holding from 27 to 31 May 1996 of a United Nations expert group meeting on the issue of violence against women migrant workers, with the participation of the Special Rapporteur on violence against women, pursuant to General Assembly resolution 50/168, to submit recommendations for improving coordination of the various efforts of United Nations agencies on the issue of violence against women migrant workers and to develop concrete indicators as a basis for determining the situation of women migrant workers for submission, through normal channels, to the General Assembly at its fifty-first session;

9. Invites trade unions to support the realization of the rights of women migrant workers by assisting them in organizing themselves so as to enable them better to assert their rights;

10. Invites the Special Rapporteur on violence against women to continue to include among the urgent issues pertaining to her mandate the violence perpetrated against women migrant workers and to consider including her findings in her report to the Commission on Human Rights at its fifty-third session;

11. Decides to continue to consider the question at its fifty-third session under the relevant agenda item.

35th meeting
11 April 1996
[Adopted without a vote. See chap. XI.]

1996/18. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International

Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights urges all States to guarantee the protection of all migrant workers and their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Recalling also its resolution 1991/60 of 6 March 1991, in which it encouraged the Secretary-General to assume an active role in disseminating information on and promoting the Convention through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights and in cooperation with interested United Nations bodies,

Bearing in mind that the Vienna Declaration and Programme of Action (A/CONF.157/23) invites all States to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 1995/21 of 24 February 1995, the Commission requested the Secretary-General to submit to it at its fifty-second session a report on the status of the Convention, Welcoming regional efforts aimed at promoting international cooperation in this field, and in particular the Regional Conference on Migration held in Puebla, Mexico, in March 1996 and the Mediterranean Conference on Population, Migration and Development to be held in Palma de Mallorca, Spain, in October 1996,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1996/70);

2. Welcomes the fact that some Member States have signed, ratified or acceded to the Convention;

3. Calls upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that this international instrument will enter into force at an early date;

4. Requests the Secretary-General to provide, from within existing resources, all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

5. Invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Requests the Secretary-General to submit to the Commission at its fifty-third session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

7. Requests the United Nations High Commissioner for Human Rights to cooperate with regional and international organizations concerned with the protection of the rights of all migrant workers and members of their families;

8. Urges countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, *inter alia*, through the organization of training courses on human rights;

9. Decides to include in the provisional agenda of the fifty-third session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

35th meeting
11 April 1996
[Adopted without a vote. See chap. XI.]

1996/19. Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

The Commission on Human Rights,

Recalling General Assembly resolution 48/126 of 20 December 1993 in which the Assembly proclaimed the fiftieth anniversary of the establishment of the United Nations as the United Nations Year for Tolerance,

Recalling also the Preamble to the Charter of the United Nations, which calls for the practice of tolerance, peace and good neighbourliness to be pursued, inter alia, to promote social progress and better standards of life in larger freedom,

Recalling further the Vienna Declaration and Programme of Action (A/CONF.157/23), in which it is affirmed that it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Recalling the Universal Declaration of Human Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Aware that on the eve of the twenty-first century, the world is witness to historical and far-reaching transformations in the course of which forces of aggressive nationalism and religious and ethnic extremism continue to produce fresh challenges,

Aware also that all forms of discrimination, including on ethnic grounds, are factors that promote intolerance and infringe upon human rights and fundamental freedoms, which in turn may threaten democratic pluralism and endanger harmony, peace and stability both within States and internationally,

Mindful that religious intolerance may constitute a threat to the exercise of the right to manifest religion or belief in teaching, practice, worship and observance,

Drawing attention to General Assembly resolution 50/183 of 22 December 1995 on the elimination of all forms of religious intolerance,

Taking note of the reports of the relevant mechanisms of the Commission submitted at its fifty-second session,

Convinced that the guiding principles of democratic society, such as equality, the rule of law, accountability of government, the observance of human rights, respect for pluralism and the practice of tolerance, need to be actively promoted by the international community,

1. Reaffirms the obligation of all States to promote universal respect for, and observance of, all human rights and fundamental freedoms;

2. Also reaffirms the obligation of all States and the international community effectively to promote and protect all human rights and fundamental

freedoms of persons belonging to national or ethnic, religious and linguistic minorities without any discrimination and in full equality before the law, bearing in mind the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Calls upon States to promote and enhance tolerance, coexistence and harmonious relations between ethnic, religious, linguistic and other groups and to ensure that the values of pluralism, respect for diversity and non-discrimination are promoted effectively;

4. Condemns unequivocally all violent acts and activities that infringe upon human rights and fundamental freedoms, democracy, tolerance and pluralism;

5. Urges all States to take steps to counter all manifestations of hatred, intolerance and acts of violence, intimidation and coercion motivated by religious extremism and intolerance of religion or belief;

6. Calls upon States to promote a culture conducive to promoting and protecting human rights, fundamental freedoms and tolerance, inter alia, through education leading to genuine pluralism, a positive acceptance of diversity of opinion and belief and respect for the dignity of the human person;

7. Calls upon the relevant mechanisms of the Commission to attach the highest priority to the effective promotion of the values of democracy, pluralism and tolerance;

8. Emphasizes the need for mechanisms of the Commission to continue efforts aimed at identifying commonly accepted principles to curb intolerance and further study situations and conditions that promote intolerance;

9. Invites the United Nations High Commissioner for Human Rights and the Centre for Human Rights through its programme of advisory services and technical cooperation to advise or assist countries, upon request, to put in place effective safeguards, including appropriate legislation, to guarantee the full enjoyment of all human rights by all segments of their population, without discrimination of any kind;

10. Invites the Centre for Human Rights to include, in its work programmes, within overall existing resources, the promotion of tolerance, where appropriate through workshops and seminars, using mass media and non-governmental organizations and through its programme of advisory services and technical cooperation to assist countries in their national programmes;

11. Decides to consider this question at its fifty-third session under the relevant agenda item.

35th meeting
11 April 1996
[Adopted without a vote. See chap. XVI.]

1996/20. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted, without a vote, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Conscious of the need to promote and protect effectively the rights of persons belonging to minorities, as set out in the Declaration,

Recalling its resolution 1995/24 of 3 March 1995 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in which the Commission, inter alia, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities,

Noting that the Working Group held its first session from 28 August to 1 September 1995, and that its report (E/CN.4/Sub.2/1996/2) has been made available to the Commission on Human Rights,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences,

Also concerned that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Reaffirming the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law, in accordance with the Declaration, Noting the positive initiatives and measures undertaken by many countries, as well as regional organizations, to protect minorities and promote mutual understanding,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Noting that special representatives, special rapporteurs and working groups of the Commission on Human Rights have continued to give due regard, within their mandates, to the promotion and protection of the rights of persons belonging to minorities,

Aware that non-governmental organizations can play an important role regarding the protection of the rights of persons belonging to minorities,

Having considered the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1996/88),

1. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through the facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country;

2. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

3. Appeals to States that so wish to consider making bilateral and multilateral arrangements or agreements in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries, in accordance with the Declaration;

4. Recognizes that respect for human rights and the promotion of understanding and tolerance by Governments, as well as between and among minorities, including through programmes of human rights education and public information, are central to the protection and promotion of the rights of persons belonging to minorities;

5. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

6. Requests the Secretary-General, in the implementation of the present resolution, to provide human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, from within existing resources;

7. Calls upon the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

8. Urges all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give due regard, within their respective mandates, to the promotion and protection of the rights of persons belonging to minorities;

9. Invites States, interested governmental and non-governmental organizations, special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to submit, as appropriate, contributions as to how they promote and give effect to the Declaration;

10. Calls upon States and the Secretary-General to give due regard to the Declaration in their respective training programmes for officials;

11. Encourages intergovernmental, as well as non-governmental, organizations to continue to contribute to the promotion and protection of the rights of persons belonging to minorities;

12. Expresses its expectation that the Working Group on Minorities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities will continue to carry out its mandate as set out in Commission resolution 1995/24 of 3 March 1995, with the involvement of a wide range of participants;

13. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to make available to the Commission on Human Rights the annual report of the Working Group;

14. Requests the Secretary-General to provide the Working Group, from within existing resources, with all the necessary services and facilities to fulfil its mandate;

15. Calls upon States, intergovernmental organizations, United Nations bodies, specialized agencies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

16. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-third session a report on the implementation of the present resolution;

17. Decides to continue consideration of this issue at its fifty-third session under the same agenda item.

35th meeting
11 April 1996
[Adopted without a vote. See chap. XVI.]

1996/21. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming its resolution 1995/12 of 24 February 1995,

Recalling General Assembly resolution 50/135 of 21 December 1995,

Recalling also resolution 1995/4 of 18 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Bearing in mind the outcome of the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, and, in particular, the attention given in the Vienna Declaration and Programme of Action (A/CONF.157/23) to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Mindful of the report of the Secretary-General on measures to combat racism and racial discrimination, submitted to the Sub-Commission at its forty-fourth session (E/CN.4/Sub.2/1992/11),

Noting the final report on freedom of opinion and expression submitted to the Sub-Commission at its forty-fourth session by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk (E/CN.4/Sub.2/1992/9), in which the Special Rapporteurs recall that, under international law, racism is not an opinion but an offence,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1996/72 and Add.1),

Noting with regret that addenda 2, 3 and 4 to the Special Rapporteur's report were not available in time for due consideration,

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms, Deeply concerned that, despite efforts, racism, racial discrimination, anti-Semitism, xenophobia and related intolerance, as well as acts of racist violence, continue to persist and even grow in magnitude, incessantly adopting new forms, including new tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Conscious also that impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and tends to encourage the recurrence of such crimes,

Underlining the importance of eliminating the growing manifestations of racism, racial discrimination and xenophobia taking place in segments of many societies and of creating conditions to foster greater harmony and tolerance within societies,

1. Takes note of the reports submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

2. Expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

3. Commends those States that have so far invited and received the Special Rapporteur, and invites them to examine carefully the recommendations contained in his reports, with a view to their possible implementation;

4. Expresses its profound concern at and unequivocal condemnation of all forms of racism and racial discrimination and all racist violence, including related acts of random and indiscriminate violence;

5. Expresses its deep concern at and condemnation of manifestations of racism and racial discrimination against migrant workers and other vulnerable groups in many societies;

6. Categorically condemns any role played by some print, audiovisual or electronic media in inciting acts of violence motivated by racial hatred;

7. Supports the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance;

8. Calls upon all Governments to enact and enforce legislation to prevent and sanction acts of racism and racial discrimination;

9. Decides to extend for a period of three years the mandate of the Special Rapporteur to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on these matters on a yearly basis to the Commission, beginning at its fifty-third session;

10. Requests the Special Rapporteur to continue his exchange of views with the relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

11. Calls upon all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

12. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

13. Requests the Special Rapporteur to make the fullest use of all additional sources of information, including country visits and the evaluation of mass media, and to elicit the responses of Governments with regard to allegations;

14. Encourages the Special Rapporteur, in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations, to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination, xenophobia and related intolerance;

15. Invites all Governments to take, where possible, measures to provide assistance to and rehabilitation of victims of acts of racism, racial discrimination, xenophobia and related intolerance;

16. Regrets that the Special Rapporteur has again encountered difficulties in his efforts to fulfil his mandate, owing to the lack of necessary resources;

17. Decides to defer the consideration of addenda 2, 3 and 4 to the report of the Special Rapporteur until its fifty-third session;

18. Requests the Secretary-General to provide, without any further delay, the Special Rapporteur with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-first session and a comprehensive report to the Commission at its fifty-third session;

19. Decides to continue the consideration of this question at its fifty-third session under the agenda item entitled "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" as a matter of priority;

20. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

51st meeting
19 April 1996
[Adopted without a vote. See chap. XII.]

1996/22. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The Commission on Human Rights,

Taking note of General Assembly resolution 50/170 of 22 December 1995, and recalling its own resolution 1995/92 of 8 March 1995, as well as other relevant resolutions,

Recalling the relevant paragraphs of the Vienna Declaration and Programme of Action (A/CONF.155/23),

Welcoming the call in the Beijing Declaration and Platform for Action (A/CONF.177/20) both for intensified efforts to integrate the equal status and the human rights of women and girls into the mainstream of United Nations system-wide activities and to address these issues regularly and systematically throughout relevant bodies and mechanisms, and for the related actions to be taken by, inter alia, the human rights treaty bodies,

Noting the recommendations proposed by the expert group on the development of guidelines for the integration of gender perspectives into United Nations human rights activities and programmes (E/CN.4/1996/105, annex), which met at Geneva from 3 to 7 July 1995,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of human rights promotion and protection activities of United Nations organs and bodies active in the field of human rights,

Noting with interest the initiatives taken by a number of treaty bodies to elaborate measures, within their mandates, with a view to preventing the occurrence, or recurrence, of serious human rights violations, Recalling the conclusions and recommendations of the five meetings of persons chairing the human rights treaty bodies held from 1988 to 1994,

Noting that the General Assembly, in its resolution 50/170, reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirmed the importance of:

(a) Ensuring the effective functioning of the periodic reporting by States parties to these instruments;

(b) Securing sufficient financial, human and information resources to overcome existing difficulties with their effective functioning;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Bearing in mind that the United Nations High Commissioner for Human Rights has, in conformity with General Assembly resolution 48/141 of 20 December 1993, the responsibility, inter alia, to coordinate human rights promotion and protection activities throughout the United Nations system,

1. Welcomes the report of the sixth meeting of the persons chairing the human rights treaty bodies, held at Geneva from 18 to 22 September 1995 (A/50/505, annex), and takes note of its conclusions and recommendations;

2. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, and with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

(c) Requests the Secretary-General to report on this question to the Commission on Human Rights at its fifty-third session;

3. Takes note of the potential benefits from the development of a full-text information retrieval and database system for the Committee on the Rights of the Child;

4. Urges States parties to notify without delay the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by the States parties and the General Assembly;

5. Welcomes the continuing efforts by the treaty bodies and the Secretary-General, within their respective spheres of competence, aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures;

6. Urges the human rights treaty bodies and the seventh meeting of the persons chairing them to continue to examine, on a priority basis, ways of reducing the duplication of reporting required under the different instruments without impairing the quality of reporting and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Recommending, where appropriate, the designation of specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organization to identify overlap between their respective instruments and conventions;

(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

and to report on the above for consideration by the Commission on Human Rights;

7. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

8. Requests the United Nations High Commissioner for Human Rights, in accordance with his mandate, to encourage the independent expert to finalize his interim report (A/CONF.157/PC/62/Add.11/Rev.1) on possible long-term approaches to enhancing the effective operation of the treaty system in time for the final report to be considered by the Commission on Human Rights at its fifty-third session, and requests the Secretary-General to give the independent expert all necessary assistance, from within existing resources;

9. Also requests the United Nations High Commissioner for Human Rights to ensure, from within existing resources, that the revised United Nations Manual on Human Rights Reporting (United Nations publication, Sales No. E.91.XIV.1) will be available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fifth meeting of the persons chairing the human rights treaty bodies;

10. Expresses concern about the increasing backlog of reports on implementation submitted by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies, and again urges States parties to make every effort to meet their reporting obligations;

11. Invites States parties which have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

12. Encourages the efforts of the human rights treaty bodies to examine, according to the mandated human rights treaty reporting procedures, the progress made in achieving the realization of human rights treaty undertakings by all States parties, without exception;

13. Urges States parties to address, as a matter of priority, at their scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

14. Also urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

15. Stresses the usefulness of technical assistance and advisory services in helping States parties to comply with their obligations pursuant to United Nations human rights instruments and further to this end:

(a) Invites the treaty bodies to continue to identify possibilities for States parties to benefit from such technical assistance and advisory services;

(b) Requests the United Nations High Commissioner for Human Rights, in fulfilling his mandate, as set forth in General Assembly resolution 48/141, to continue to provide advisory services and technical assistance at the request of the State concerned and, whenever possible, in cooperation with other relevant agencies;

16. Welcomes the recommendation by the persons chairing the human rights treaty bodies that treaty bodies urge each State party to translate, publish and make available in its territory the full text of the concluding observations on their reports to the treaty bodies, and requests the United Nations High Commissioner for Human Rights to endeavour to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, continue to be made available in the United Nations information centres in the countries submitting those reports;

17. Also welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the human rights treaty bodies to pursue further cooperation among themselves, bearing in mind the responsibilities of the United Nations High Commissioner for Human Rights;

18. Invites the United Nations High Commissioner for Human Rights, in accordance with his mandate, as contained in General Assembly resolution 48/141, to consult the human rights treaty bodies with regard to his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights;

19. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments, and encourages the exchange of reliable information between the treaty bodies and such organizations;

20. Welcomes the emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate, and recommends that the reporting guidelines adopted by each treaty body be amended to identify related gender-specific information to be addressed by States parties in their reports;

21. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the High Commission for Human Rights, as well as the Secretary-General and the bodies of the United Nations competent in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

22. Requests the Secretary-General to report to the Commission at its fifty-third session on measures taken to implement the present resolution and on obstacles to its implementation;

23. Decides to consider the question on a priority basis at its fifty-third session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

51st meeting
19 April 1996
[Adopted without a vote. See chap. XIV.]

1996/23. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person, *Emphasizing* that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

Recalling article 18 of the International Covenant on Civil and Political Rights,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Recalling General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 50/183 of 22 December 1995, in which it requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration and requested the Special Rapporteur on religious intolerance to submit an interim report to the Assembly at its fifty-first session,

Reaffirming the call of the World Conference on Human Rights for all Governments to take all appropriate measures, in compliance with their international obligations and with due regard to their respective legal systems, to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites,

Recalling that the World Conference on Human Rights reaffirmed the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights and international law, and stated that the universal nature of these rights and freedoms is beyond question.

Noting with concern measures and practices in a number of countries that may foster intolerance, including religious intolerance, in society,

Bearing in mind the need for all Governments to cooperate with the Special Rapporteur on religious intolerance to enable him to carry out his mandate fully, and taking note in this regard of the importance attached by the Special Rapporteur to furthering dialogue with Governments, *inter alia* through visits made *in situ*,

Welcoming in this context the fact that a number of Governments have facilitated visits by the Special Rapporteur,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief, _Conscious_ of the importance of education in ensuring tolerance of religion and belief,

Alarmed that serious instances of intolerance, discrimination and acts of violence based on religion or belief, including acts of violence, intimidation and coercion motivated by religious extremism, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and security of person, the right to freedom of movement and the right to freedom of opinion and expression,

1. _Reaffirms_ that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. _Takes note_ of the report of the Special Rapporteur on religious intolerance (E/CN.4/1996/95 and Add.1 and 2);

3. _Notes with grave concern_ the continuing instances of hatred and intolerance including acts of violence based upon religious intolerance, as identified by the Special Rapporteur, which threaten all human rights and fundamental freedoms;

4. _Condemns_ all such acts motivated by religious intolerance in all its forms, including practices which violate the human rights of women and discriminate against women;

5. _Urges_ States to ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

6. _Also urges_ States to ensure, in particular, that no one within their jurisdiction is, because of religion or belief, deprived of the right to life or the right to liberty and security of person, or is subjected to torture or arbitrary arrest or detention;

7. _Further urges_ all States, in conformity with international instruments of human rights, to take all necessary measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. _Calls upon_ States to promote and enhance tolerance in matters relating to religion or belief and to ensure that the values of pluralism, respect for religious diversity and non-discrimination are promoted effectively, through appropriate measures such as legislation which does not have the effect of fostering intolerance and discrimination in society;

9. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

10. Urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

11. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

12. Expresses its grave concern at attacks upon religious places, sites and shrines, and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert their utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

13. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure that appropriate measures are taken to this end, including the dissemination, as a matter of high priority, of the text of the Declaration by United Nations information centres, as well as by other interested bodies;

14. Encourages the continued efforts on the part of the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

15. Stresses the need for the Special Rapporteur to apply a gender perspective in the reporting process, including in information collection and in recommendations;

16. Invites the Special Rapporteur, within the terms of his mandate and in the context of recommending remedial measures, to take into account the experience of various States as to which measures are most effective in promoting freedom of religion and belief and countering all forms of intolerance;

17. Encourages Governments to cooperate with the Special Rapporteur so as to enable him to fulfil his mandate even more effectively, inter alia by responding to requests for views and comments and by giving serious consideration to inviting him to visit their countries;

18. *Invites* the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report, and to continue to carry out his work with discretion and independence;

19. *Encourages* Governments, when seeking the assistance of the United Nations programme of advisory services and technical assistance in the field of human rights, to consider, where appropriate, including requests for assistance in the field of promotion and protection of the right to freedom of thought, conscience and religion;

20. *Welcomes and encourages* the efforts of non-governmental organizations to promote the implementation of the Declaration, and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

21. *Requests* the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-first session and to report to the Commission at its fifty-third session;

22. *Decides* to continue its consideration of the question at its fifty-third session under the item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

51st meeting
19 April 1996
[Adopted without a vote. See chap. XVIII.]

1996/24. *Traffic in women and girls*

The Commission on Human Rights,

Reaffirming the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women,

Recalling that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993, affirmed the human rights of women and the girl child as an inalienable, integral and indivisible part of universal human rights,

Welcoming the Programme of Action of the International Conference on Population and Development (A/CONF.171/13), held at Cairo from 5 to 13 September 1994, which, *inter alia*, called upon all Governments to prevent all international trafficking in migrants, especially for the purpose of prostitution, and for the adoption by Governments of both receiving countries and countries of origin of effective sanctions against those who organize undocumented migration, exploit undocumented migrants or engage in trafficking in undocumented migrants, especially those who engage in any form of international traffic in women and children,

Recalling also the recognition by the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, of the danger to society of the trafficking in women and children,

Welcoming also the initiatives taken by the Commission on Crime Prevention and Criminal Justice and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 10 May 1995, towards criminalizing clandestine traffic in undocumented migrants,

Concurring with the conclusion in the Platform for Action (A/CONF.177/20) of the Fourth World Conference on Women: Action for Equality, Development and Peace, held at Beijing from 4 to 15 September 1995, that the effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern,

Recalling its resolution 1995/25 of 3 March 1995, General Assembly resolution 50/167 of 22 December 1995 and resolutions 39/6 of 29 March 1995 and 40/4 of 22 March 1996 of the Commission on the Status of Women,

Acknowledging the work done by intergovernmental organizations, such as the International Organization for Migration, and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelters for trafficked women and children and in effecting their voluntary repatriation to their countries of origin,

Noting with concern the increasing number of women and girl children from developing countries and from some countries with economies in transition who are being victimized by traffickers, and acknowledging that the problem of trafficking also victimizes young boys,

Convinced of the need to eliminate all forms of sexual violence and sexual exploitation and trafficking, including for prostitution and other forms of commercial sex, which are violations of the human rights of women and girl children and are incompatible with the dignity and worth of the human person,

Realizing the urgent need for the adoption of effective measures nationally, regionally and internationally to protect women and girl children from this nefarious traffic,

1. Notes with appreciation the report of the Secretary-General on the traffic in women and girls (A/50/369);

2. Calls upon Governments of countries of origin, transit and destination, and regional and international organizations, as appropriate, to implement the Platform for Action of the Fourth World Conference on Women by:

(a) Considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

(b) Taking appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;

(c) Stepping up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care and taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

(e) Developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

3. Invites Governments to accord standard minimum humanitarian treatment to trafficked persons, consistent with human rights standards;

4. Invites the United Nations High Commissioner for Human Rights, in addressing the obstacles to the realization of the human rights of women, in particular through his contacts with the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the sale of children, child prostitution and child pornography, to include the traffic in women and girls among his priority concerns;

5. Encourages the Centre for Human Rights to include the issue of traffic in women and girls in its programme of work under its advisory, training and information activities, with a view to providing assistance to Governments, upon their request, in instituting preventive measures against trafficking through education and appropriate information campaigns;

6. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to encourage its Working Group on Contemporary Forms of Slavery to continue to address the issue of the traffic in women and girls under its draft programme of action on the traffic in persons and the exploitation of the prostitution of others;

7. Invites relevant intergovernmental and non-governmental organizations to provide advisory services to Governments, upon their request, in planning and setting up rehabilitation programmes for victims of trafficking and in training, particularly human rights training for personnel who will be directly involved in the implementation of these programmes;

8. Requests the Secretary-General to provide the Commission, at its fifty-third session, with his report to the General Assembly at its fifty-first session on the implementation of General Assembly resolution 50/167;

9. Decides to continue its consideration of the question at its fifty-third session under the relevant agenda item.

51st meeting
19 April 1996
[Adopted without a vote. See chap. XV.]

1996/25. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Reaffirming its resolution 1995/26 of 3 March 1995,

Recalling the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as defined by the Commission and its particular responsibilities established, inter alia, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

Recalling also its resolution 1992/66 of 4 March 1992, in which it provided certain guidelines for the work of the Sub-Commission, and Economic and Social Council resolution 1991/32 of 31 May 1991 on strengthening the independence of the expert members of the Sub-Commission,

Taking note of the report of the working group on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1994/3) and of Sub-Commission decision 1994/117 of 26 August 1994,

Taking note also of the reports of the Sub-Commission and its Chairman on the forty-seventh session (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51 and E/CN.4/1996/81),

Expressing its appreciation of the positive contribution made by the Sub-Commission to the promotion and protection of human rights, Convinced that the Sub-Commission, as a body of independent experts, has an important complementary role to play in providing advice to the Commission on Human Rights, inter alia with regard to human rights violations and new developments in the field of human rights,

Mindful that the Sub-Commission also provides a forum for non-governmental organizations in consultative status with the Economic and Social Council and that they can make important contributions to the work of the Sub-Commission in conformity with the principles embodied in Council resolution 1296 (XLIV) of 23 May 1968,

Convinced that the impartiality and objectivity of the Sub-Commission and the independence of its members and their alternates are essential for its credibility and effectiveness,

Fully aware that both the credibility and the effectiveness of the Sub-Commission as an expert human rights body are basically dependent on Governments nominating and the Commission electing as members and alternates of the Sub-Commission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments and devote the time necessary to their mandate,

Convinced that studies commissioned by the Economic and Social Council to members of the Sub-Commission should be carried out by members of the Sub-Commission or their alternates, in cooperation with their consultants, if need be, and the Secretariat, and that such studies need to be given thorough consideration and adequate follow-up,

Noting with appreciation the ongoing dialogue of the Sub-Commission with the Committee on the Elimination of Racial Discrimination and the need for thorough preparation for such interaction,

Stressing the need for enhanced cooperation between the Commission and the Sub-Commission, and recalling the continuing importance for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow that guidance, in the light of the mandate already granted to it, in order to ensure complementarity and avoid duplication,

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Sub-Commission, and to respect fully the independence of elected members and alternates;

3. Requests States nominating candidates for the Sub-Commission, and the Secretary-General, to make nominations known sufficiently early to enable the members of the Commission to assess thoroughly the qualifications of the nominees;

4. Reaffirms that one of the tasks of the Sub-Commission is to undertake a thorough examination of information concerning alleged human rights violations, in accordance with its mandate, as well as the presentation of the results of the examination to the Commission;

5. Invites the Sub-Commission to continue to give due regard to new developments in the field of human rights;

6. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to observe the resolutions and decisions of the Commission and the Economic and Social Council regarding its work;

7. Takes note of Sub-Commission decision 1995/113 of 24 August 1995 to continue its practice of considering item 6 of its agenda, entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent territories", starting on the day after the adoption of the agenda, and welcomes Sub-Commission decision 1995/115 of 24 August 1995 to consider at its forty-eighth session how best to carry out its mandate in examining violations of human rights under this agenda item;

8. Also takes note of Sub-Commission decision 1995/112 of 24 August 1995 to adopt, on an experimental basis, new procedures according to which the exercise of the right of reply will be restricted to the end of the debate on the respective agenda item and allegations of violations of human rights made under agenda item 6 cannot be repeated under any other agenda item;

9. Requests the Sub-Commission thoroughly to review in an effective manner its mandate and working methods with a view to improving its efficiency further and avoiding duplication with the Commission and its mechanisms and, in this context, taking into account the views of Member States, to give particular attention to:

(a) Further rationalization of its agenda;

(b) Selection of subjects for studies, as well as the commissioning, number, treatment and time-frame of studies and reports;

(c) The functioning and mandate of its mechanisms;

(d) The need to focus on the implementation of existing human rights standards and mechanisms;

(e) The consideration of alleged violations of human rights;

(f) The need for enhanced cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies including the human rights treaty bodies;

(g) The composition of the Sub-Commission and criteria for membership;

10. Takes note of Sub-Commission decision 1995/114 of 24 August 1995 to earmark part of its forty-eighth session for a closed exchange of views among the experts and their alternates, and requests the Sub-Commission to devote a portion of these closed meetings to consideration of the outcome of the review of its mandate and working methods;

11. Decides to consider the report of the Sub-Commission on this issue at its fifty-third session in the context of the review of the mandate and working methods of the Sub-Commission;

12. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all official United Nations languages in good time before the session;

13. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

14. Requests the Chairman of the Sub-Commission at its forty-eighth session to report to the Commission at its fifty-third session on significant aspects of the work of the Sub-Commission.

51st meeting
19 April 1996
[Adopted without a vote. See chap. XV.]

1996/26. Minimum humanitarian standards

The Commission on Human Rights,

Gravely concerned at the large number of situations where internal violence causes extensive suffering and breaches of the principles of humanity and undermines the protection of human rights,

Gravely concerned also at the conduct of groups and individuals who resort to violence, thereby contributing to the suffering of innocent people in such situations,

Conscious of the desirability of reaffirming the principles of humanity and the dictates of the public conscience governing the behaviour of all persons, groups and public authorities in all situations,

Emphasizing, in this regard, the need to identify and implement measures to prevent violations and abuses of human rights and fundamental freedoms, in particular the right to life and integrity of the individual, Recalling resolution 1994/26 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its own resolution 1995/29 of 3 March 1995,

1. Recognizes the need to address principles applicable to situations of internal violence and disturbance of all kinds in a manner consistent with international law, including the Charter of the United Nations;

2. Also recognizes in this regard the vital importance of the existence in each country of appropriate national legislation for dealing with such situations in a manner consistent with the rule of law;

3. Invites all States to consider reviewing their national legislation relevant to situations of public emergency with a view to ensuring that it meets the requirements of the rule of law and that it does not involve discrimination on the grounds of race, colour, sex, language, religion or social origin;

4. Welcomes the offer by Denmark, Finland, Iceland, Norway and Sweden to organize, in cooperation with the International Committee of the Red Cross, a workshop to which governmental and non-governmental experts from all regions will be invited to consider this issue and to make the outcome of the workshop available for dissemination to Governments and intergovernmental and non-governmental organizations;

5. Requests the Secretary-General to transmit the text of the present resolution to Governments and intergovernmental and non-governmental organizations for their comments on this matter for submission to the Commission on Human Rights at its fifty-third session.

51st meeting
19 April 1996
[Adopted without a vote. See chap. XV.]

1996/27. Human rights of persons with disabilities

The Commission on Human Rights,

Mindful of the pledge made by States, under the Charter of the United Nations, to take action jointly and separately, in cooperation with the United Nations, in order to promote a better quality of life, full employment, and conditions for economic and social progress and development,

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Welcoming the unreserved reaffirmation in the Vienna Declaration and Programme of Action (A/CONF.157/23) of the human rights and fundamental freedoms of persons with disabilities and the recognition in the Programme of Action of the International Conference on Population and Development (A/CONF.171/13) and the Programme of Action of the World Summit for Social

Development (A/CONF.166/9) of a pressing need for, _inter alia_, the realization of the goals of full participation and equality for persons with disabilities, as well as the recognition by the Fourth World Conference on Women: Action for Equality, Development and Peace, of the special needs of women with disabilities,

Recalling General Assembly resolution 48/96 of 20 December 1993, in which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities,

Reaffirming the continuing validity and value of the World Programme of Action concerning Disabled Persons, adopted by the General Assembly at its thirty-seventh session, which provides a firm and innovative framework for promoting and protecting the human rights of persons with disabilities,

Re-emphasizing the responsibility of Governments for removing or facilitating the removal, as far as possible, of barriers and obstacles to the full integration and participation of persons with disabilities in society, and supporting their efforts to develop national policies to reach specific objectives,

Recognizing the contribution of non-governmental organizations, especially organizations of persons with disabilities, in the global effort to bring about full participation and equality for persons with disabilities and to ensure the full enjoyment of human rights by persons with disabilities,

Noting the reports by Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the Centre for Human Rights publication _Human Rights and Disabled Persons_ (United Nations publication, Sales No. E.92.XIV.4), in which international mechanisms for the protection and promotion of the human rights of persons with disabilities, such as an ombudsman, are proposed,

Concerned at the extent of disabilities caused by the indiscriminate use of anti-personnel mines, particularly among civilian populations,

1. _Calls upon_ the Secretary-General to maintain the integrity of programmes within the United Nations system relating to persons with disabilities, including the United Nations Voluntary Fund on Disability, in order to promote the rights and the equalization of opportunities and full inclusion within societies of persons with disabilities;

2. _Welcomes_ the work done by the Committee on Economic, Social and Cultural Rights to draw attention to the recommendations of the Special Rapporteur on disability of the Commission for Social Development, and calls upon States to cooperate fully with the Special Rapporteur, to meet his requests for information and to provide relevant data to the Committee on Economic, Social and Cultural Rights;

3. _Urges_ non-governmental organizations active in the protection and promotion of the human rights of persons with disabilities to provide relevant information to the Committee on Economic, Social and Cultural Rights and to the Centre for Human Rights;

4. Encourages all the human rights treaty bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure full enjoyment of those rights by persons with disabilities;

5. Urges all Governments to implement, with the cooperation and assistance of organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

6. Invites Governments and the private sector to contribute to the United Nations Voluntary Fund on Disability, with a view to providing additional support for the implementation of the Standard Rules, within the context of the World Programme of Action concerning Disabled Persons;

7. Requests the Secretary-General to ensure appropriate support for the effective functioning of the Long-Term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond (A/49/435, annex);

8. Encourages the Secretary-General and the United Nations agencies concerned to finalize, in consultation with Member States, the development of a global disability indicator in the Commission for Social Development, and also encourages the Special Rapporteur and all human rights treaty bodies to make use of it, where appropriate, in their future work;

9. Expresses grave concern that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities;

10. Expresses deep concern at the indiscriminate use of anti-personnel mines, causing a high number of disabilities among civilian populations in all continents, in particular among women and children, and calls upon all Governments and United Nations agencies to extend their assistance in alleviating the suffering of those victims;

11. Welcomes international efforts aimed at restricting and prohibiting the use of anti-personnel mines, and calls upon Governments to contribute to demining activities, thereby reducing the number of disabilities caused by those weapons;

12. Requests the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities;

13. Also requests the Secretary-General to make available to the Commission at its fifty-third session the latest report of the Special Rapporteur on disability of the Commission for Social Development on his monitoring of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

14. Reaffirms its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in community affairs continue to be addressed in all of its work;

15. Decides to continue to consider the question at its fifty-third session under the agenda item entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities".

51st meeting
19 April 1996
[Adopted without a vote. See chap. XV.]

1996/28. Question of arbitrary detention

The Commission on Human Rights,

Recalling its resolution 1985/16 of 11 March 1985, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to analyse the available information concerning the practice of administrative detention without charge or trial and to make appropriate recommendations on the use of this practice,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Having taken note, at its forty-seventh session, of the revised report of Mr. Louis Joinet on the practice of administrative detention (E/CN.4/Sub.2/1990/29 and Add.1) and of the recommendations formulated therein,

Recalling its resolutions 1991/42 of 5 March 1991, 1992/28 of 28 February 1992, 1993/36 of 5 March 1993, 1994/32 of 4 March 1994 and 1995/59 of 7 March 1995,

Bearing in mind that, in accordance with resolution 1991/42, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights, or in the relevant international legal instruments accepted by the States concerned,

Having considered the report of the Working Group (E/CN.4/1996/40 and Add.1),

Having heard the comments made during the fifty-second session of the Commission,

1. Takes note of the work of the Working Group on Arbitrary Detention and its efforts to revise its methods of work, and underlines the initiatives it has taken to strengthen cooperation and dialogue with States, and the new cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

2. _Also takes note_ of the report of the Working Group (E/CN.4/1996/40 and Add.1);

3. _Requests_ the Working Group to continue, in discharging its mandate, to seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their legal representatives;

4. _Also requests_ the Working Group which, in conformity with resolution 1991/42, has a mandate to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned, to take duly into consideration the distinction between detention and imprisonment made, _inter alia_, by General Assembly resolution 43/173 of 9 December 1988, and to submit to the Commission, at its fifty-third session, its conclusions and recommendations on this question;

5. _Further requests_ the Working Group, in discharging its mandate, to apply the treaties relevant to the case under consideration only to the States which are parties to them;

6. _Invites_ the Working Group to continue to take account of the need to carry out its task with discretion, objectivity, impartiality and independence, within the framework of its mandate, and invites the experts to continue to perform their task with rigour, in the light of the very specific nature of their mandate, which is notably to investigate cases, and to respond effectively to credible and reliable information that comes before them;

7. _Emphasizes_ the need for the Working Group to take gender-specificity into account in its reports, including in the collection of information and in its recommendations;

8. _Takes note_ in this context of the importance that the Working Group attaches to coordination with other mechanisms of the Commission on Human Rights and with the treaty bodies, as well as to the strengthening of the role of the Centre for Human Rights in such coordination, and encourages the Working Group to continue to avoid any unnecessary duplication;

9. _Expresses its profound thanks_ to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and asks all Governments concerned to demonstrate the same spirit of cooperation;

10. _Welcomes_ the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

11. _Requests_ Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging the nature of the detention;

12. Invites Governments concerned to take note of the Working Group's decisions and, where necessary, to take appropriate steps and to inform the Working Group of the steps they have taken;

13. Encourages Governments to pay attention to the recommendations of the Working Group concerning persons mentioned in its report, who have been detained for a number of years;

14. Regrets that the Working Group was unable, despite the invitation received, to undertake the field mission envisaged for 1995, and encourages all Governments to invite the Working Group to their countries in order that it may fulfil its mandate even more effectively;

15. Expresses its concern at the fact that, according to the data of the Working Group, most cases of arbitrary deprivation of liberty are motivated by denial of the exercise of the right to freedom of opinion and expression, and recalls the need to pay due attention to cases of arbitrary detention motivated by violation of other human rights and fundamental freedoms;

16. Notes with concern that, according to the Working Group, the practice of arbitrary detention is facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without a formal declaration, non-observance of the principle of proportionality between the gravity of the measures taken and the situation concerned, too vague a definition of offences against State security and the existence of special or emergency jurisdictions;

17. Encourages States to take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international instruments and not to extend states of emergency beyond what is strictly required by the situation, or to limit their effects;

18. Requests the Secretary-General and the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities responsible for studying the question of human rights and states of emergency to extend their assistance to Governments expressing the wish to receive it, as well as to special rapporteurs and working groups, with a view to ensuring promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

19. Also requests the Secretary-General to ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, and notably with respect to field missions;

20. Requests the Working Group to submit to it a report at its fifty-third session, and to make to it any suggestions and recommendations which would enable it to discharge its task in the best possible way, in cooperation with Governments, and to continue its consultations to that end within the framework of its terms of reference;

21. Decides to continue its consideration of the question at its fifty-third session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

51st meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/29. Staff members of the United Nations and of the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolution 42/219 of 21 December 1987, 43/225 of 21 December 1988, 44/186 of 19 December 1989 and 45/240 of 21 December 1990, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1995/39 of 3 March 1995, in which it requested the Secretary-General to submit to the Commission at its fifty-second session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Aware of the need to strengthen the relevant international legal instruments,

Welcoming the adoption, by the General Assembly in resolution 49/59 of December 1994, of the Convention on the Safety of United Nations and Associated Personnel as a significant step for the protection of United Nations staff members and other personnel acting under its authority,

Noting that since its adoption the Convention has only been signed by 40 Member States and ratified by 4,

Considering that, at a time when the United Nations is undertaking greater responsibilities sending missions in difficult conditions to various parts of the world, it is imperative that its staff members and other personnel acting under its authority be able to perform their duties with the assurance that their human rights, privileges and immunities will be fully respected, in accordance with the relevant provision of the Charter of the United Nations and other international instruments,

Having examined the updated report of the Secretary-General on the detention of international civil servants and their families (E/CN.4/1996/32 and Add.1), Noting the remarks made by certain bodies, as mentioned in the updated report of the Secretary-General, that the coverage offered by the Convention does not include all members of United Nations missions without distinction as to the type of mandate entrusted to them,

Gravely concerned that a significant number of United Nations staff members, experts and their families continue to be detained, imprisoned, retained as hostages, missing or held in a country against their will,

Gravely concerned also that a significant number of United Nations staff members, recruited nationally or internationally, and other personnel acting under the authority of the United Nations and their families have been killed since July 1994,

Noting the continuous need for updated and complete information on the situation of United Nations staff members, experts and their families detained, imprisoned, retained as hostages, missing or held in a country against their will,

Convinced that a better coordinated and more detailed reporting system, with a better dialogue between the United Nations and the host country concerned, can contribute to a faster solution of cases,

Deeply concerned at the inordinate delays and obstacles which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results concerning the security of United Nations staff members, experts and their families,

1. Takes note with interest of the updated report of the Secretary-General;

2. Invites the Secretary-General to request the United Nations organs concerned to submit to him their views and comments on the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19) and to submit a report evaluating the measures proposed for the implementation of those recommendations;

3. Appeals once again to Member States to respect and to ensure respect for the rights of staff members and other personnel acting under the authority of the United Nations and their families and to take the necessary measures to ensure the protection of United Nations and associated personnel in their territory;

4. Requests the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of United Nations staff members, experts and their families are fully respected and to seek redress

and compensation for the damage caused to them, as well as their full reintegration, when their human rights, privileges and immunities have been violated;

5. Reiterates the obligations of Member States under the Convention on the Privileges and Immunities of the United Nations and also under the Convention on the Privileges and Immunities of the Specialized Agencies regarding immunity from legal process and from personal arrest or detention;

6. Urges Member States:

(a) To provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts or their families;

(b) To grant the representative of the competent international organization immediate access to them;

(c) To allow independent medical teams to investigate the health of detained staff members, experts and their families, and to afford them the necessary medical assistance;

(d) To allow representatives of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families;

(e) To ensure the speedy release of United Nations staff members, experts and members of their families who have been arrested or detained in violation of their immunity, in accordance with the conventions referred to in paragraph 5 above;

7. Invites Member States to consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel;

8. Invites the Secretary-General to prepare a document containing the relevant principles of protection found in the Convention for use as guidelines in bilateral negotiations of headquarters agreements and mission agreements with the concerned Governments; such bilateral negotiations would take into account national legislation where the Government concerned has not ratified or acceded to the Convention;

9. Requests the Secretary-General to submit to the Commission at its fifty-third session a report on the status of the Convention on the Safety of United Nations and Associated Personnel, on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, on cases which have been successfully settled since the presentation of the last report, and on the implementation of the measures referred to in the present resolution.

51st meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/30. Question of enforced disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1991/41 of 5 March 1991, 1992/30 of 28 February 1992, 1993/35 of 5 March 1993, 1994/39 of 5 March 1994 and 1995/38 of 3 March 1995,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Emphasizing that, in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights welcomed the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance and called upon all States to take effective legislative, administrative, judicial or other measures to prevent, terminate and punish acts of enforced disappearance,

Noting that the Working Group on Enforced or Involuntary Disappearances considers the adoption of the latter Declaration to be the most encouraging development since its establishment in respect of efforts to combat enforced disappearances, especially in so far as it recognizes that the systematic practice of such acts is of the nature of a crime against humanity,

Expressing concern in this connection that, according to the Working Group, the practice of a number of States can run counter to the Declaration,

Convinced of the need to continue implementing the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearance and eliminating enforced disappearances, duly taking into account the provisions of the Declaration,

Taking into account General Assembly resolution 49/193 of 23 December 1994,

Deeply concerned about the increase and spread of the practice of enforced disappearances in various parts of the world,

Concerned at the large number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons, Noting with satisfaction in this connection that the Working Group reports increased cooperation on the part of most States,

Recalling its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs,

Having examined the report of the Working Group (E/CN.4/1996/38) and also the report of the expert member of the Working Group responsible for the special operation on missing persons in the territory of the former Yugoslavia (E/CN.4/1996/36),

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the way in which it is performing its task, and thanks it for submitting a report to the Commission in accordance with its resolution 1995/38 of 3 March 1995;

2. Takes note of the report of the Working Group;

3. Encourages the Working Group in its efforts to help to eliminate the practice of enforced disappearances, to submit to the Commission all information it deems necessary and any specific recommendations it may wish to make regarding the fulfilment of its task;

4. Notes that the primary role of the Working Group, as described in its reports, is to act as a channel of communication between families of the disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

5. Stresses the need for the Working Group to apply gender perspective in its reporting process, including in information collection and formulation of recommendations;

6. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of government replies;

7. Deplores the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearances in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

8. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to take action as rapidly as possible concerning these communications, to cooperate with and assist the Working Group so that it may carry out its mandate effectively and, in particular, to reply expeditiously to its requests for information;

9. Also urges the Governments concerned to intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

10. Once again urges Governments to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

11. Encourages Governments to give serious consideration to inviting the Working Group to visit their countries so as to enable the Working Group to fulfil its mandate even more effectively;

12. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced disappearances;

13. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances whenever there is reason to believe that an enforced disappearance has occurred in a territory under their jurisdiction;

14. Recalls that, if allegations are confirmed, the perpetrators of enforced disappearances should be prosecuted;

15. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its request for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

16. Commends in particular the efforts of Governments which investigate and/or develop appropriate mechanisms to investigate any cases of enforced disappearances which are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

17. Invites States, taking into account the conclusions of the Working Group, to consider taking effective measures including, if appropriate, legislative measures, to implement the principles of the Declaration on the Protection of All Persons from Enforced Disappearance, while considering the general comments of the Working Group contained in paragraphs 43 to 58 of its report;

18. Invites, in this connection, all Governments to take action to this end at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance;

19. Recalls that all acts of enforced disappearance are offences punishable by appropriate penalties which take into account their extreme seriousness under criminal law;

20. Encourages States to provide concrete information, as some have already done, on measures taken to give effect to the Declaration, as well as obstacles encountered;

21. Again invites the Working Group to identify obstacles to the realization of the Declaration, to recommend ways of overcoming those obstacles, and to pursue in this respect its dialogue with Governments and institutions concerned;

22. Invites the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteurs appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard for the relevant provisions of the Declaration;

23. Requests the Working Group to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons, and to cooperate closely with the Governments concerned in searching for and identifying these children;

24. Notes the activities of non-governmental organizations in support of the implementation of the Declaration, and invites them to continue to facilitate its dissemination and to contribute to the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

25. Takes note of the cooperation provided to the Working Group by non-governmental organizations;

26. Takes note with interest of the report of the expert member of the Working Group responsible for the special process dealing with the problem of missing persons in the territory of the former Yugoslavia (E/CN.4/1996/36);

27. Requests the Working Group to report on its work to the Commission at its fifty-third session and to continue to discharge its mandate discreetly and conscientiously;

28. Once more requests the Secretary-General to ensure that the Working Group receives all the assistance and resources it requires to perform its function, especially in carrying out missions, following them up or holding sessions in countries that would be prepared to receive it;

29. Once more requests the Secretary-General to keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes for the widespread dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance and to compile observations, if any, from Governments on the possible measures they have taken, where appropriate, to take the Declaration into account.

51st meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/31. Human rights and forensic science

The Commission on Human Rights,

Recalling its resolutions 1993/33 of 5 March 1993 and 1994/31 of 4 March 1994,

Welcoming the report of the Secretary-General on human rights and forensic science (E/CN.4/1996/41), submitted pursuant to its resolution 1994/31,

Welcoming also the provisional list of organizations and individual experts in forensic science compiled by the Secretary-General in his report and also the organizations mentioned in his previous reports (E/CN.4/1993/20 and E/CN.4/1994/24),

Expressing its gratitude to the Governments and organizations that recommended names of organizations and experts for the list,

Conscious that other organizations and individual experts in forensic science should be added to the provisional list,

Welcoming the contacts maintained by the Working Group on Enforced or Involuntary Disappearances with certain organizations and individuals in the field of forensic science and human rights and the elaboration by the Working Group of a preliminary scheme for establishing a standing team of forensic experts,

Noting that the need of Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances has been emphasized in the reports of the Working Group and of the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as those of various country rapporteurs,

Noting also that forensic science can help to reunite children of disappeared persons forcibly separated from their parents with their surviving relatives,

Noting further that forensic medicine is an important tool in detecting evidence of torture,

Noting that, in many of the countries concerned, sufficient expertise is not available in forensic science and related fields to investigate human rights violations effectively,

Recognizing that training of local teams in responsible exhumation and identification procedures is a prerequisite for the effective investigation of human rights violations,

Aware that a number of Governments have requested the Secretary-General to provide technical assistance in this regard, Also aware of the experience of United Nations fact-finding investigations supporting the need for a list of experts in forensic science,

Further aware that several special rapporteurs have welcomed efforts towards the institution of a standing team of forensic experts to assist them in carrying out their human rights mandates,

Recalling the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989,

Considering the proposed model autopsy protocol prepared under United Nations auspices contained in the Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

Considering also the guidelines for the conduct of United Nations inquiries into allegations of massacres,

1. Invites States to take measures to introduce into their rules and practices the international standards set forth in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, as well as the model autopsy protocol set forth in the Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

2. Requests the Secretary-General again to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts, the organizations mentioned in his reports of 1993, 1994 and 1996, as well as other interested institutions, with a view to:

(a) Identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes;

(b) Submitting biographical data on the experts, including professional qualifications, current employment, contact address, gender (the nomination of female experts is encouraged) and the kinds of assistance they could provide;

(c) Seeking their further advice as to the elaboration of principles, guidance, procedures, mechanisms, practical experience and training, in addition to the Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

3. Also requests the Secretary-General to continue efforts to establish, on the basis of these consultations and on the basis of continuing efforts on the part of the Working Group on Enforced or Involuntary Disappearances to render active assistance, a list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of persons who have disappeared;

4. Further requests the Secretary-General annually to update this list and to make it available to the working groups, special rapporteurs and experts of the United Nations human rights mechanisms so that they may request these forensic experts to assist them in evaluating documents and other evidence and to accompany them on country visits;

5. Requests the Secretary-General to ensure that the forensic experts abide by the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989;

6. Also requests the Secretary-General to provide appropriate resources, from within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing the present resolution;

7. Further requests the Secretary-General to report to the Commission at its fifty-fourth session on progress made in this matter, including:

(a) The availability of a comprehensive and up-to-date list of experts containing biographical data and indications of availability;

(b) A revised standard arrangement or cooperation service agreement regulating the use of forensic experts, including provisions for the protection of forensic experts who so serve; as well as to make such recommendations as he may consider appropriate;

8. Invites the Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the Secretariat to consider the possibility of revising the Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions in the light of practical experience with the Manual and the comments received;

9. Decides to consider the question at its fifty-fourth session under the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

10. Also decides to recommend to the Economic and Social Council the following draft decision for adoption:

[For the text, see chap. I, sect. B, draft decision 9.]

51st meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/32. Human rights in the administration of justice, in particular of children and juveniles in detention

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols, and in particular article 6 of the latter Covenant,

Guided also by the Convention on the Rights of the Child, and in particular its articles 3, 37, 39 and 40, as well as the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Recognizing the central role of the administration of justice in the promotion and protection of human rights,

Emphasizing the importance of coordinating the activities in the field of the administration of justice carried out under the responsibility of the Commission on Human Rights with those under the responsibility of the Commission on Crime Prevention and Criminal Justice,

Noting that women, juveniles and children are frequently the most vulnerable victims of human rights violations in the administration of justice and that the identification and reporting of these violations demand special vigilance,

Aware of the specific situation of children and juveniles in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

Welcoming the important activities of the Committee on the Rights of the Child, the Commission on Crime Prevention and Criminal Justice, the United Nations Children's Fund, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteur on the sale of children, child prostitution and child pornography with regard to the special needs of children and juveniles in detention,

Noting that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it includes in its conclusions on reports of States parties concrete recommendations concerning the provision of advisory services and technical cooperation in this field,

Recalling the recommendations of the Ninth United Nations Congress on the Prevention of Crime and Treatment of Offenders (A/CONF.169/16) concerning juvenile justice and children as victims and perpetrators of crime,

Deeply concerned at the severity and brutality with which children and juveniles are used as instruments in criminal activities, Reaffirming that the best interests of the child and the juvenile must be a primary consideration in all decisions concerning the deprivation of their liberty,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1996/31 and Add.1) and the replies received from a number of Governments;

2. Reaffirms the importance of the full implementation of all relevant United Nations standards on human rights in the administration of justice;

3. Reiterates once again its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure full implementation of these standards;

4. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;

5. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

6. Invites Governments to provide training in human rights and the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned with juvenile justice matters, including police and immigration officers;

7. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights to continue to give special attention to questions relating to the effective protection of human rights in the administration of justice and to provide, wherever appropriate, specific recommendations in this regard, including proposals for concrete measures of advisory services and technical assistance;

8. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance in order to strengthen national capacities and infrastructures in the field of the administration of justice;

9. Urges the United Nations High Commissioner for Human Rights to consider favourably requests by States for assistance in the field of the administration of justice and to strengthen system-wide coordination in this field, in particular between the United Nations programme of advisory services and technical assistance in the field of human rights and the technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme;

10. Recognizes that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her dignity and needs;

11. _Calls upon_ all States to give high priority to the promotion and protection of all rights of the child and juveniles in the administration of justice;

12. _Urges_ States to take fully into account, in their national legislation and practice, and disseminate widely the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

13. _Also urges_ States to take appropriate steps to ensure compliance with the principle that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children and juveniles are separated, as appropriate, from adults;

14. _Recommends_ that States ensure that all structures, procedures and programmes in the administration of justice with regard to child offenders promote assistance to allow children to take responsibility for their actions and to encourage, _inter alia_, reparation, mediation and restitution, especially for the direct victim of the crime;

15. _Requests_ the United Nations High Commissioner for Human Rights to continue to pay special attention to the subject of juvenile justice and, in close cooperation with the Committee on the Rights of the Child, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Division of the United Nations Secretariat, to develop strategies to ensure effective coordination of technical cooperation programmes in the field of juvenile justice, in particular within the framework of his Plan of Action to strengthen the implementation of the Convention on the Rights of the Child;

16. _Requests_ the Secretary-General to report to the Commission at its fifty-third session on the implementation of the present resolution;

17. _Decides_ to consider this question at its fifty-third session under the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

51st meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/33. Torture and other cruel, inhuman or degrading treatment or punishment

A

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling also General Assembly resolution 39/46 of 10 December 1984, in which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Recalling further the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular Part I, paragraph 30, in which the World Conference stated that torture and other cruel, inhuman or degrading treatment or punishment constituted serious obstacles to the full enjoyment of all human rights, and Part II, paragraphs 54 to 61, in which the World Conference urged States to put an immediate end to the practice of torture and to eradicate that evil forever, abrogate legislation leading to impunity for gross violations of human rights such as torture and prosecute such violations, and stated that providing the necessary resources for assistance to victims of torture should be given high priority, inter alia by additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Bearing in mind its resolution 1995/37 of 3 March 1995,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Stressing that torture constitutes a criminal attempt to destroy a fellow human being physically and mentally which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Determined to promote the full implementation of the prohibition under international and national law of any practice of torture and other cruel, inhuman or degrading treatment or punishment, _Drawing attention_ to the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977), the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169 of 17 December 1979, annex), the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment (General Assembly resolution 37/194, annex), the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex) as well as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex),

Recalling article 10 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides that each State party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment,

Noting the progress made at the fourth session of the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention,

Recalling General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling also the statement by the Board of Trustees of the Fund on the need to receive contributions from Governments on a regular basis, which, _inter alia_, would prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role,

Noting the increasing number of applications to be processed and the repeated requests by the Board of Trustees of the Fund to have adequate staff for the operations of the Fund,

Noting also the information provided by the Secretary-General in his reports on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1996/33 and Add.1 and A/50/512),

Noting with satisfaction the existence and rapid expansion of an international network of centres for the rehabilitation of torture victims, which play an important role in providing assistance to victims of torture, and the collaboration of the Fund with these centres, Stressing that under article 4 of the Convention acts of torture must be made an offence under criminal laws of States and are a grave breach of the Geneva Conventions of 1949, with the perpetrators liable to prosecution and punishment,

1. Urges all States to become parties to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment as a matter of priority;

2. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing reservations made to article 20;

3. Encourages States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

4. Takes note of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1996/34);

5. Urges all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23) and, in particular, of the section relating to freedom from torture;

6. Welcomes the report of the Committee against Torture on its thirteenth and fourteenth sessions (A/50/44);

7. Also welcomes the work of the Committee against Torture and its practice of formulating concluding observations after the consideration of reports, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture in States parties;

8. Reminds all States that Part II, paragraph 60, of the Vienna Declaration and Programme of Action reads "States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law";

9. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and technical facilities to ensure the effective performance of the functions of the Committee against Torture;

10. Urges States parties whose arrears predate the provision made by the Secretary-General for funding the Committee against Torture from the regular budget to fulfil their obligations forthwith;

11. Emphasizes the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the

High Commissioner for Human Rights, in conformity with his mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

12. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has accomplished;

13. Calls upon the Board of Trustees of the Fund to report to the Commission at its fifty-third session and present an updated assessment of the global need for rehabilitation services for torture victims and any need for international funding in this respect;

14. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

15. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund, and if possible with a substantial increase in the number and level of contributions in order to take into consideration the ever-increasing demand for assistance;

16. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

17. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

18. Also renews its request to the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions;

19. Requests the Secretary-General, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23, Part II, para. 16) to ensure strict and transparent project management rules for the Fund and to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the projects supported by the Fund;

20. Also requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and technical facilities to ensure the efficient operation and management of the Fund;

21. Further requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis and to submit to the Commission annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

22. Decides to continue to consider these questions at its fifty-third session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

B

The Commission on Human Rights,

Recalling its resolution 1985/33 of 13 March 1985, in which it decided to appoint for one year a special rapporteur on torture, and all its subsequent resolutions in which that mandate was regularly extended, most recently for a further three years in paragraph 13 of its resolution 1995/37 B of 3 March 1995, while maintaining the annual reporting cycle,

Recalling also the conclusions and recommendations of the Special Rapporteur that the Commission on Human Rights underlined in its resolutions 1987/29 of 10 March 1987, 1988/32 of 8 March 1988, 1989/33 of 6 March 1989, 1990/34 of 2 March 1990, 1991/38 of 5 March 1991, 1992/32 of 28 February 1992, 1993/40 of 5 March 1993, 1994/37 of 4 March 1994 and 1995/37 of 3 March 1995,

1. Commends the Special Rapporteur on his report (E/CN.4/1996/35 and Add.1 and 2);

2. Stresses the recommendations of the Special Rapporteur contained in his report, as well as the recommendations made in previous years as contained in document E/CN.4/1995/34;

3. Stresses in particular that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that all allegations of any such acts should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate such acts must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts should obtain redress, be awarded fair and adequate compensation and appropriate socio-medical rehabilitation;

4. Reminds all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment;

5. Invites the Special Rapporteur to examine questions concerning torture directed primarily against women and children and conditions conducive to such torture, and to make appropriate recommendations concerning the prevention of gender-specific forms of torture and the torture of children;

6. Approves the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals;

7. Considers it desirable that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the United Nations High Commissioner for Human Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

8. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to supply all information requested, including by reacting properly to his urgent appeals;

9. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

10. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

11. Calls upon the Special Rapporteur to continue to include information in his report on the follow-up by Governments to his recommendations, visits and communications;

12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all his activities in order to enable him to submit his report to the Commission at its fifty-third session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/34. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular, Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95 thereof, _Convinced_ that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Recalling also its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title "Special Rapporteur on the independence of judges and lawyers",

Recalling further General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and Assembly resolution 40/146 of 13 December 1985,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling also the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling also the Statement of Principles on the Independence of the Judiciary adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice,

Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Centre for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights, *Taking note* of the second report (E/CN.4/1996/37) submitted by the Special Rapporteur on the implementation of his mandate,

1. *Takes note* of the second report submitted by the Special Rapporteur on the activities relating to his mandate;

2. *Also takes note* of the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

3. *Welcomes* the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

4. *Notes with appreciation* the determination of the Special Rapporteur to achieve as wide a dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Centre for Human Rights;

5. *Invites* the United Nations High Commissioner for Human Rights to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in the elaboration of a manual on the training of judges and lawyers in the field of human rights;

6. *Urges* all Governments to assist the Special Rapporteur in the discharge of his mandate and to transmit to him all the information requested;

7. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if the Government concerned deems it necessary;

8. *Requests* the Secretary-General, within the limits of the existing regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate;

9. *Requests* the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-third session, and decides to consider this question at that session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VII.]

1996/35. *The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms*

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Considering that the question of restitution, compensation and rehabilitation of victims of grave violations of human rights and fundamental freedoms has received insufficient attention and should continue to be addressed in a more systematic and thorough way at the national and international levels,

Noting with interest the positive experience of countries that have established policies for the reparation of victims of grave violations of human rights,

Reiterating its appreciation of the study on the subject prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, contained in his final report (E/CN.4/Sub.2/1993/8),

Recalling its resolution 1994/35 of 4 March 1994 in which it expressed the hope that priority attention would be given to this question, in particular on the specific field of violations of human rights, and regarded the proposed basic principles and guidelines contained in the study of the Special Rapporteur as a useful basis for that purpose, and recommended that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should, in conformity with Sub-Commission resolution 1993/29, take measures to examine the proposed basic principles and guidelines with a view to making proposals thereon and to report to the Commission,

Recalling also its resolution 1995/34 of 3 March 1995 in which it requested States to provide information to the Secretary-General about legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms,

Taking note of the report (E/CN.4/1996/29) of the Secretary-General submitted to the Commission in compliance with its resolution 1995/34,

1. *Calls upon* the international community to give increased attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms;

2. Encourages the Sub-Commission to continue to give consideration to the proposed basic principles and guidelines at its forty-eighth session, in accordance with its decision 1995/117 of 24 August 1995, with a view to making substantial progress on this matter in the specific field of violations of human rights;

3. Expresses its appreciation to States that provided information on the matter to the Secretary-General, in compliance with resolution 1995/34, for their valuable contribution in this field;

4. Requests States that have not yet done so to provide information to the Secretary-General on the legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms;

5. Expresses its appreciation to the Secretary-General for his report (E/CN.4/1996/29 and Add.1 and 2);

6. Requests the Secretary-General to prepare an additional report, taking into account the information provided by States, for submission to the Commission at its fifty-third session;

7. Decides to continue to consider this matter at its fifty-third session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/36. Question of human rights and states of emergency

The Commission on Human Rights,

Endorsing resolution 1995/33 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/37. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its decision 1991/107 of 5 March 1991, by which it decided to consider at its forty-eighth session the text, proposed by the Government of Costa Rica, of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1991/66) intended to establish a preventive system based on visits to places of detention,

Recalling also its resolution 1992/43 of 3 March 1992, by which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for discussion the draft text proposed by the Government of Costa Rica, and decided to consider the question at its forty-ninth session,

Recalling further Economic and Social Council resolution 1992/6 of 20 July 1992, by which the Council authorized an open-ended working group to meet for a period of two weeks prior to the forty-ninth session of the Commission,

Recalling subsequent resolutions, in particular its resolution 1995/33 of 3 March 1995, by which it requested the working group to hold meetings in order to continue its work and to submit a new report,

Considering that the members of the working group agreed that some progress had been made which permitted the conclusion of the first reading of the draft at the fourth session and that a continuation of the work in the same way offered the prospect of the elaboration, within a reasonable period, of a text which could be of great value in the field of the prevention of torture,

Recalling that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which would be intended to establish a preventive system of regular visits to places of detention,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1996/28), and warmly welcomes the conclusion of the first reading of the draft during the working group's fourth session;

2. Requests the open-ended working group to meet for a period of two weeks prior to the fifty-third session of the Commission in order to continue its work, including the beginning of the second reading on the basis of the results of the first reading, as contained in document E/CN.4/1996/28,

as well as on the basis of the original text (E/CN.4/1991/66), with a view to the expeditious completion of a final and substantive text; it also requests the working group to submit a new report to it;

3. Requests the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all the necessary facilities to the working group for its meetings prior to the fifty-third session of the Commission;

6. Decides to examine the report of the working group at its fifty-third session under the sub-item "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" of the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

52nd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/38. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Draft

United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

Recalling also General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

1. Takes note of the report of the working group (E/CN.4/1996/84), and welcomes the positive start to the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. Expresses its appreciation for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedure proposed in the annex to Commission on Human Rights resolution 1995/32 of 3 March 1995;

3. Welcomes the decisions of the Economic and Social Council approving the participation of organizations of indigenous people in the work of the working group, and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission on Human Rights resolution 1995/32;

4. Recommends that the working group meet for 10 working days prior to the fifty-third session of the Commission on Human Rights, the cost of the meeting to be met from within existing resources;

5. Encourages organizations of indigenous people which are not already registered to participate in the working group and which wish to do so to apply for authorization in accordance with the procedure set out in the annex to Commission on Human Rights resolution 1995/32;

6. Requests the working group to submit a progress report to the Commission on Human Rights at its fifty-third session;

7. Decides to consider the report of the working group at its fifty-third session under the agenda item entitled "Indigenous issues";

8. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

52nd meeting
19 April 1996
[Adopted without a vote. See chap. XXIII.]

1996/39. International Decade of the World's Indigenous People

The Commission on Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling its previous resolutions and those of the General Assembly on the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Recalling the invitation addressed by the General Assembly to organizations of indigenous people and other non-governmental organizations concerned to consider the contributions they can make to the success of the Decade, with a view to presenting them to the Working Group on Indigenous Populations,

Noting Economic and Social Council decision 1992/255 of 20 July 1992, in which the Council requested United Nations bodies and specialized agencies to ensure that all technical assistance financed or provided by them was compatible with international instruments and standards applicable to indigenous people, and encouraged efforts to promote coordination in this field and greater participation of indigenous people in the planning and implementation of projects affecting them,

1. Affirms its recognition of the value and diversity of the cultures and forms of social organization of indigenous people, and its conviction that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world;

2. Takes note of the final report of the Secretary-General on a comprehensive programme of action for the International Decade of the World's Indigenous People and the annexes to that report (A/50/511);

3. Welcomes the decision of the General Assembly to adopt the programme of activities for the Decade contained in the annex to its resolution 50/157;

4. Notes that the programme of activities for the Decade may be reviewed and updated throughout the Decade and that at the mid-point of the Decade the Economic and Social Council and the General Assembly should review the results of the activities to identify obstacles to achievement of the goals of the Decade and to recommend solutions for overcoming those obstacles;

5. Welcomes the affirmation by the General Assembly as a major objective of the Decade the adoption of a declaration on the rights of indigenous people;

6. Also welcomes the recognition by the General Assembly that among the important objectives of the Decade is the consideration of the possible establishment of a permanent forum for indigenous people within the United Nations;

7. Recognizes the importance of strengthening the human and institutional capacity of indigenous people to develop their own solutions to their problems and, for these purposes, invites the Coordinator of the Decade to recommend appropriate means of implementing the recommendation of the General Assembly that the United Nations University consider the possibility of sponsoring, in each region, one or more institutions of higher education as centres of excellence and for the diffusion of expertise;

8. Welcomes the recommendations and requests contained in paragraphs 8, 9, 11, 13, 14 and 15 of General Assembly resolution 50/157, and invites the United Nations High Commissioner for Human Rights and the Coordinator of the Decade to implement them as a matter of priority from within existing resources and to provide informal briefings on activities undertaken for the Decade within the United Nations system, including a review of activities in 1995 and those planned for 1996, and to report to the Commission on Human Rights at its fifty-third session under the agenda item entitled "Indigenous issues";

9. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

10. Also emphasizes the importance of action at the national level for the implementation of the goals and activities of the Decade;

11. Encourages Governments to support the Decade by contributing to the United Nations Trust Fund for the Decade;

12. Also encourages Governments, as appropriate, to support the Decade by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade, in consultation with indigenous people;

(b) Seeking means, in consultation with indigenous people, of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(c) Establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

13. Further encourages Governments to consider contributing, as appropriate, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean, in support of the achievement of the goals of the Decade;

14. Welcomes the establishment by the Coordinator of the Decade of an advisory body to provide guidance with regard to the projects and programmes financed from the Voluntary Fund for the International Decade of the World's Indigenous People;

15. Appeals to Governments and intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

16. Requests the United Nations High Commissioner for Human Rights, when developing programmes within the framework of the United Nations Decade for Human Rights Education, to give due regard to the dissemination of information on the situation, cultures, languages, rights and aspirations of indigenous people;

17. Encourages the United Nations High Commissioner for Human Rights and the Coordinator of the Decade to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

18. Notes that the General Assembly, in paragraph 9 of the annex to its resolution 50/157, stated that official observance of the Decade should be part of the United Nations Conference on Human Settlements (Habitat II);

19. Decides to consider the International Decade of the World's Indigenous People at its fifty-third session under the agenda item entitled "Indigenous issues".

52nd meeting
19 April 1996
[Adopted without a vote. See chap. XXIII.]

1996/40. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Recalling also its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts in carrying out its plan of action,

Noting General Assembly resolution 50/157 of 21 December 1995 in which the Assembly adopted the programme of activities for the International Decade of the World's Indigenous People,

Having examined the report of the Working Group on its thirteenth session (E/CN.4/Sub.2/1995/24),

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

Determined to do everything possible to promote the enjoyment of the human rights and fundamental freedoms of indigenous people,

Bearing in mind that international standards must be developed on the basis of the diverse situations and aspirations of the world's indigenous people,

1. Takes note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-seventh session (E/CN.4/1996/2-E/CN.4/Sub.2/1996/51);

2. Expresses its appreciation and satisfaction to the Working Group on Indigenous Populations of the Sub-Commission for its valuable work;

3. Also expresses its appreciation to observers who participated in the thirteenth session of the Working Group on Indigenous Populations for their active and constructive participation in its work;

4. Recommends to the Economic and Social Council that the Working Group be authorized to meet for five working days prior to the forty-eighth session of the Sub-Commission;

5. Invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

6. Urges the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, and welcomes its proposal to highlight at its fourteenth session, under a sub-item of the item dealing with review of developments, the question of indigenous people and health;

7. Takes note of the recommendation of the Working Group that the Chairperson-Rapporteur address the concept of indigenous people, notes that any work should take into account the views of Governments and organizations of indigenous people, and requests that discussion of this issue take place during the fourteenth session of the Working Group under the existing agenda item on standard-setting and that the report of the Working Group be transmitted to Governments and organizations of indigenous people prior to the next session of the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with resolution 1995/32;

8. Invites the Working Group to continue its consideration as to whether there are ways in which the contribution of expertise from indigenous people to the work of the Working Group might be enhanced;

9. Also invites the Working Group to include in its future work the review of international activities undertaken during the International Decade of the World's Indigenous People and to receive information from Governments on the implementation of the goals of the Decade in their respective countries, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. Requests the Working Group to include in the agenda of its fourteenth session the question of how it will contribute to the Secretary-General's review of existing mechanisms, procedures and programmes concerning indigenous people, providing information in that regard on its mandate and current work programme of the Working Group;

11. Requests the Secretary-General to give adequate resources and assistance, from within existing resources, to the Working Group in discharging its tasks, including adequate dissemination of information about

the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

12. Also requests the Secretary-General, from within existing resources:

(a) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

(b) To ensure that all meetings of the Working Group at its fourteenth session are provided with interpretation and documentation;

13. Expresses its gratitude and appreciation to the Governments and organizations that have made contributions to the United Nations Voluntary Fund for Indigenous Populations;

14. Appeals to all Governments, organizations and individuals in a position to do so to consider requests for further contributions to the Fund;

15. Encourages all the initiatives that can be taken by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. XXIII.]

1996/41. A permanent forum for indigenous people in the United Nations system

The Commission on Human Rights,

Recalling the recommendations pertaining to indigenous people included in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular the recommendation that the establishment of a permanent forum for indigenous people in the United Nations system should be considered,

Recalling also the recommendations of the United Nations Conference on Environment and Development to involve indigenous people and their communities in the United Nations programmes of environment and development as stated in article 22 of the Rio Declaration on Environment and Development and in chapter 26 of Agenda 21,

Recalling further its previous resolutions 1994/28 of 4 March 1994 and 1995/30 of 3 March 1995, as well as General Assembly resolutions 49/214 of 23 December 1994 and 50/157 of 21 December 1995, Taking note of the document entitled "Consideration of a permanent forum for indigenous people: report of the workshop held in accordance with Commission resolution 1995/30, Copenhagen, 26-28 June 1995" (E/CN.4/Sub.2/AC.4/1995/7), the comments received by the Centre for Human Rights thereon, the comments and suggestions of the Working Group on Indigenous Populations contained in its report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1995/24) and resolution 1995/39 of 24 August 1995 entitled "Permanent forum in the United Nations for indigenous people" adopted by the Sub-Commission at its forty-seventh session,

Recalling that the programme of activities for the International Decade of the World's Indigenous People adopted by the General Assembly in its resolution 50/157 recognizes among the important objectives of the Decade that consideration be given to the establishment of a permanent forum for indigenous people in the United Nations system,

Recognizing the importance of involving indigenous people and their organizations in the consideration of the possible establishment of a permanent forum, and acknowledging the important role of the Working Group on Indigenous Populations in this respect,

1. Endorses the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the Secretary-General transmit the document entitled "Consideration of a permanent forum for indigenous people: report of the workshop held in accordance with Commission resolution 1995/30, Copenhagen, 26-28 June 1995" (E/CN.4/Sub.2/AC.4/1995/7) and the comments received by the Centre for Human Rights thereon to Governments and organizations of indigenous people, inviting them to express their views concerning the question of the establishment of a permanent forum for indigenous people and to report on the comments and suggestions received to the Working Group on Indigenous Populations at its fourteenth session;

2. Requests the Secretary-General to transmit the document entitled "Consideration of a permanent forum for indigenous people: report of the workshop held in accordance with Commission resolution 1995/30, Copenhagen, 26-28 June 1995" and the comments thereon received by the Centre for Human Rights to relevant intergovernmental organizations;

3. Welcomes the recommendation of the General Assembly, as contained in Assembly resolution 50/157, that the Secretary-General, drawing on the expertise of the Commission on Human Rights, as well as the Commission for Sustainable Development and other relevant bodies, undertake a review, in close consultation with Governments and taking into account the views of indigenous people, of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people and to report to the General Assembly at its fifty-first session;

4. Requests the Secretary-General to ensure, from within existing resources, the implementation of the review in order to have it completed and circulated to Governments, relevant intergovernmental organizations and organizations of indigenous people for their comments well in advance of the fifty-first session of the General Assembly;

5. Urges the relevant United Nations bodies, specialized agencies and financial institutions responsible for the existing mechanisms, procedures and programmes concerning indigenous people to facilitate the completion in full and on time of the review to be conducted by the Secretary-General in accordance with General Assembly resolution 50/157;

6. Requests the Working Group on Indigenous Populations at its fourteenth session to continue to give priority consideration to the possible establishment of a permanent forum for indigenous people and to submit its further comments and suggestions, through the Sub-Commission, to the Commission on Human Rights at its fifty-third session;

7. Requests in particular the Working Group on Indigenous Populations to place the Working Group's own contribution to the review of existing mechanisms, procedures and programmes concerning indigenous people on the agenda of its fourteenth session, and requests the Secretary-General to invite relevant United Nations bodies and specialized agencies to submit written information on their contributions to the review to be conducted by the Secretary-General in accordance with General Assembly resolution 50/157;

8. Requests the Secretary-General to make this information available to the Working Group on Indigenous Populations in advance of its fourteenth session;

9. Takes note of the recommendation of the General Assembly as contained in Assembly resolution 50/157 that the Commission on Human Rights, drawing on the experience of the Copenhagen workshop and the results of the review to be conducted by the Secretary-General, consider the convening of a second workshop on the possible establishment of a permanent forum for indigenous people with the participation of independent experts, as well as representatives of Governments, organizations of indigenous people and other non-governmental organizations concerned and United Nations bodies and specialized agencies;

10. Decides to continue the consideration of a second workshop at its fifty-third session in the context of the Commission's continued consideration of the possible establishment of a permanent forum under the agenda item entitled "Indigenous issues";

11. Requests the Secretary-General to provide the Commission at its fifty-third session with a report on the activities undertaken and information received in pursuance of the present resolution.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. XXIII.]

1996/42. Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights

The Commission on Human Rights,

Recalling that the General Assembly, in adopting the Universal Declaration of Human Rights on 10 December 1948, recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Universal Declaration provides an opportunity for the United Nations and Member States to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration,

Recognizing the Declaration as the source of inspiration and the basis for progress in the field of human rights, and taking note of the improvements achieved in that field during the past five decades through national and international solidarity and efforts,

Concerned that international human rights standards are not fully respected worldwide and that human rights continue to be violated in all parts of the world, and that people still suffer misery and are deprived of full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity of respecting human rights and fundamental freedoms and to strengthen United Nations efforts in this regard,

Recalling the significance and the message of the Vienna Declaration and Programme of Action (A/CONF.157/23),

1. Requests the United Nations High Commissioner for Human Rights to coordinate the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, bearing in mind provisions in the Vienna Declaration and Programme of Action for evaluation and follow-up;

2. Invites Governments to review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration, to identify obstacles to achieving progress in this area and ways in which they can be overcome and to undertake additional efforts to develop programmes of education and information, with a view to disseminating the text and arriving at a better understanding of the universal message of the Declaration;

3. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Universal Declaration of Human Rights and to reflect on their possible contribution to the preparations therefor;

4. Calls upon relevant United Nations organs and agencies, in the light of the purposes set forth in the Universal Declaration of Human Rights, to make an assessment of and to put forward pertinent conclusions on the state of implementation and the impact of existing international human rights instruments;

5. Invites relevant United Nations organs and agencies, in coordination with the High Commissioner for Human Rights, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect human rights;

6. Invites non-governmental organizations and national institutions to participate fully in the preparation of the fiftieth anniversary of the Universal Declaration of Human Rights, to intensify their campaign for greater understanding and better use of the Declaration, and to communicate their observations and recommendations to the United Nations High Commissioner for Human Rights;

7. Decides to review at its fifty-third session the state of preparation of the fiftieth anniversary of the Universal Declaration of Human Rights and to consider further measures in this regard, including its own contribution in the matter.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/43. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

The Commission on Human Rights,

Recognizing that the increasing challenges presented by HIV/AIDS require intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, as well as the avoidance of HIV/AIDS-related discrimination and stigma,

Recalling its resolution 1995/44 of 3 March 1995 and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Welcoming the Final Declaration of the Paris AIDS Summit, of 1 December 1994, the Cairo Programme of Action (A/CONF.171/13), the Copenhagen Declaration and Programme of Action (A/CONF.166/9), the Beijing Declaration and Platform for Action (A/CONF.177/20) and the New Delhi Declaration and Action Plan on HIV/AIDS: Law and Humanity, of 10 December 1995, in all of which the pledge was made to promote and protect the rights of people infected and affected by HIV/AIDS,

Welcoming also the establishment of the Joint United Nations Programme on HIV/AIDS (UNAIDS),

Acknowledging the significant role of UNAIDS and other bodies of the United Nations system, and of national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, in fighting discrimination against people living with HIV/AIDS, Concerned that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection and to its impact, if infected,

Concerned also that people living with HIV/AIDS, as well as those presumed to be infected, continue to be discriminated against in law, policy and practice,

Bearing in mind that, as recognized by the World Health Assembly in its resolution WHA45.35 of 14 May 1992, there is no public health rationale for any measures that limit arbitrarily the rights of the individual, notably measures establishing mandatory screening,

Concerned that HIV/AIDS-related human rights issues are still not being adequately addressed by United Nations human rights bodies and human rights non-governmental organizations,

Emphasizing the responsibility of Governments to take measures to counter stigmatization of and discrimination against those affected by HIV/AIDS, and their commitment to strengthen national and international mechanisms that are concerned with HIV/AIDS-related human rights and ethics,

Recognizing that HIV transmission can be prevented through informed and responsible behaviour, and emphasizing the role and responsibility of individuals, groups and organs of society aimed at promoting, in a spirit of human solidarity and tolerance, a social environment supportive of the effective prevention and eradication of the root causes of the HIV/AIDS pandemic,

Welcoming the report of the Secretary-General on human rights and HIV/AIDS (E/CN.4/1996/44), which addresses the development of a human rights component within UNAIDS, ways to keep under review the protection of human rights and prevention of discrimination in the context of HIV/AIDS, and on the elaboration of guidelines for States on the protection and promotion of fundamental human rights and freedoms in the context of HIV/AIDS,

1. Confirms that discrimination on the basis of AIDS or HIV status, actual or presumed, is prohibited by existing international human rights standards, and that the term "or other status" in non-discrimination provisions in international human rights texts should be interpreted to cover health status, including HIV/AIDS;

2. Calls upon all States to ensure, where necessary, that their laws, policies and practices, including those introduced in the context of HIV/AIDS, respect human rights standards, prohibit HIV/AIDS-related discrimination and do not have the effect of inhibiting programmes for the prevention of HIV/AIDS and for the care of persons infected with HIV, in particular with respect to women, children and vulnerable groups;

3. Also calls upon all States to take all the necessary steps, including appropriate and speedy redress procedures and the introduction of protective legislation and appropriate education to combat discrimination, prejudice and stigma, to ensure the full enjoyment of civil, political,

economic, social and cultural rights by people living with HIV/AIDS, their families and associates, and people presumed to be at risk of infection, with particular attention to women, children and vulnerable groups;

4. Invites States to involve non-governmental and community-based organizations and people living with HIV/AIDS in the formulation and implementation of public policies, including the support of participatory programmes for prevention, care and social support among vulnerable and marginalized populations;

5. Calls upon States to take all necessary steps, in particular appropriate education and information for all individuals, including children and adolescents, to facilitate informed and responsible behaviour;

6. Recognizes the need to protect women and children from sexual abuse, violence and discrimination, and calls upon the Special Rapporteur on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child, the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women to address those aspects of discrimination and violence against women and children which increase their vulnerability to infection and to the impact of HIV/AIDS;

7. Urges all United Nations human rights bodies, including treaty bodies, special rapporteurs and representatives of working groups of the Commission, to keep under review the protection of HIV-related human rights in relation to their respective mandates, as recommended in the Secretary-General's report, and, where relevant, to give full attention to monitoring States parties' compliance with their human rights commitments to reduce vulnerability to HIV/AIDS and to protect the rights of people affected by HIV/AIDS;

8. Calls upon relevant professional bodies to re-examine their codes of professional practice with a view to strengthening respect for human rights and dignity in the context of HIV/AIDS, and calls upon the relevant authorities to develop training in this regard;

9. Urges UNAIDS to continue the process of incorporating a strong human rights component in all its activities and to establish with the Centre for Human Rights a framework for close and ongoing cooperation;

10. Requests the United Nations High Commissioner for Human Rights to continue his efforts, in cooperation with UNAIDS and non-governmental organizations, as well as groups of people living with HIV/AIDS, towards the elaboration of guidelines on promoting and protecting respect for human rights in the context of HIV/AIDS, to ensure sufficient support, from within existing resources, to the Centre for Human Rights to address HIV/AIDS-related issues and to incorporate these, as appropriate, in all the Centre's activities;

11. Requests the Secretary-General to prepare for the consideration of the Commission at its fifty-third session a final report on the above-mentioned guidelines, including the outcome of the second expert consultation on human rights and AIDS, and on their international dissemination.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/44. United Nations Decade for Human Rights Education

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 28 of the Convention on the Rights of the Child, that reflect the aims of the aforementioned article,

Taking into account Commission on Human Rights resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and its practical application, should be established as a priority in education policies,

Believing that each woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education contributes to a concept of development consistent with the dignity of women and men of all ages which takes into account the diversity of society including children, indigenous people, minorities and disabled persons, Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular Part II, paragraphs 78 to 82 thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling General Assembly resolution 49/184 of 23 December 1994 by which the Assembly proclaimed the ten-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade, as contained in the report of the Secretary-General (A/49/261-E/1994/110/Add.1, annex), and requested the United Nations High Commissioner for Human Rights to coordinate the implementation of the Plan of Action,

Noting General Assembly resolution 50/177 of 22 December 1995 by which the Assembly appealed to all Governments to contribute to the implementation of the Plan of Action and, in particular, in accordance with national conditions, to establish a national focal point (national committee) for human rights education and a resource and training centre for human rights education or, where such a centre already exists, to work towards its strengthening, and to develop and implement an action-oriented national plan for human rights education, as foreseen in the Plan of Action,

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights on the implementation of the Plan of Action for the United Nations Decade on Human Rights Education (E/CN.4/1996/51);

2. Requests the United Nations High Commissioner for Human Rights to accelerate, within existing resources, the implementation of the Plan of Action and, in particular, to encourage and facilitate the establishment of national plans of action, focal points and centres of human rights education in Member States in accordance with national conditions;

3. Invites all Governments to consider the establishment, in accordance with national conditions, of national focal points and plans of action for the implementation of the Plan of Action of the Decade, including the building and strengthening of programmes and capacities for formal and informal human rights education and cooperation with non-governmental organizations and the private sector in pursuing the objectives of the Plan of Action;

4. Requests human rights monitoring bodies to consider adopting a general comment on human rights education, placing emphasis on the implementation by Member States of their international obligation to promote human rights education;

5. Invites all relevant specialized agencies, in particular the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, United Nations programmes, especially the United Nations Children's Fund, and other intergovernmental organizations to

enhance their contribution, within their respective spheres of competence, to the implementation of the Plan of Action and to continue cooperating with the High Commissioner for that purpose;

6. Calls upon international, regional and national non-governmental organizations, in particular those concerned with women, children, indigenous people, minorities, labour, development and the environment, as well as other social justice groups, human rights advocates, educators, religious and community organizations and the media, to increase their involvement in formal and non-formal education in human rights and to cooperate with the High Commissioner and the Centre for Human Rights in implementing the Plan of Action;

7. Invites the United Nations High Commissioner for Human Rights to seek the views of States on ways and means to increase support to the Decade, with special emphasis on activities of non-governmental organizations in the field of human rights education, and on the advisability of establishing a voluntary fund for this purpose, and to include this information in his report to the fifty-third session of the Commission on Human Rights;

8. Decides to continue consideration of the question of human rights education at its fifty-third session under the same agenda item.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/45. The Olympic Ideal

The Commission on Human Rights,

Recalling the basic principles of the Universal Declaration of Human Rights which, inter alia, provide that it is essential to promote the development of friendly relations between nations and that education shall be directed to the full development of the personality and to the strengthening of respect for human rights and to promote understanding, tolerance and friendship among all nations for the maintenance of peace,

Recalling also the value of the equal rights of men and women to the enjoyment of all economic, social and cultural rights and the recognition of the right of everyone to take part in cultural life,

Recalling further General Assembly resolution 48/11 of 25 October 1993 in which, inter alia, the Assembly, recognizing that the goal of the Olympic Movement is to build a peaceful and better world by educating the youth of the world through sport, practised without discrimination of any kind and in the Olympic spirit, which requires mutual understanding, promoted by friendship, solidarity and fair play, recognized the efforts to restore the ancient Greek tradition of ekecheria, or Olympic Truce, calling for all hostilities to cease during the Olympic Games, thereby mobilizing the youth of the world in the cause of peace, Bearing in mind General Assembly resolution 50/13 of 7 November 1995 on the Olympic Ideal,

Taking into account in particular the sixth preambular paragraph of General Assembly resolution 49/29 of 7 December 1994,

1. Stresses the importance of the principles of the Olympic Charter, according to which any form of discrimination with regard to a country or a person on grounds of race, religion, politics, sex or otherwise is incompatible with the Olympic Movement;

2. Reaffirms that sports may contribute to the promotion and social integration of target groups, such as women and youth;

3. Expresses its satisfaction that the General Assembly, at its fiftieth session, decided to include in its agenda a biennial item entitled "Building a peaceful and better world through sport and the Olympic Ideal", to be considered in advance of each Summer and Winter Olympic Games;

4. Maintains its support for the Olympic Ideal on the occasion of the eve of the centenary of the revival of the Olympic Games in 1896 at Athens, at the initiative of a French educator, Baron Pierre de Coubertin;

5. Recognizes that the Olympic Games have exemplified excellence through education and cultural expression;

6. Reaffirms once again the valuable contribution of the Olympic Movement to the promotion, protection and implementation of human rights and to the creation of global friendship and the maintenance of world peace;

7. Urges all States to take the necessary and appropriate measures for the equal and full participation, without any discrimination, of women and men in the Olympic Games in accordance with the spirit of the Olympic Ideal and the principles of the Olympic Movement.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/46. Human rights and thematic procedures

The Commission on Human Rights,

Considering that, over the years, thematic procedures established by the Commission with regard to the consideration of questions related to the promotion and protection of all human rights have earned an important position among its human rights monitoring mechanisms,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, Mindful that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Noting with satisfaction that an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with one or more of the thematic procedures,

Recalling its resolutions 1991/31 of 5 March 1991, 1992/41 of 28 February 1992, 1993/47 of 9 March 1993, 1994/53 of 4 March 1994 and 1995/87 of 8 March 1995,

Recalling also its various resolutions in which it urged Governments to intensify their cooperation with the thematic special rapporteurs and working groups and to provide information requested on any measures taken in pursuance of recommendations addressed to them,

Recalling further recommendations contained in the Vienna Declaration and Programme of Action (A/CONF.157/23), especially in Part II, paragraph 95, in which the World Conference on Human Rights underlined the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission,

Recalling Part II, paragraph 88, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights recommended that the States parties to international human rights instruments, the General Assembly and the Economic and Social Council should consider studying the existing human rights treaty bodies and the various thematic mechanisms and procedures with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks,

Recalling also the meetings of the special rapporteurs, representatives, experts and members or chairmen of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme with the United Nations High Commissioner for Human Rights, held from 14 to 16 June 1993, on the occasion of the World Conference on Human Rights, from 30 May to 1 June 1994 and from 29 to 31 May 1995,

Noting that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

Noting General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

1. Commends those Governments that have invited the thematic special rapporteurs or working groups to visit their countries;

2. Recommends that Governments consider follow-up visits designed to assist them with effective implementation of recommendations by the thematic special rapporteurs and working groups;

3. Encourages Governments to respond expeditiously to requests for information made to them through the thematic procedures, so that the procedures may carry out their mandates effectively;

4. Also encourages all Governments to cooperate more closely with the Commission through the pertinent thematic procedures and, where appropriate, by inviting a thematic special rapporteur or working group to visit their countries;

5. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation;

6. Invites the thematic special rapporteurs and working groups to include in their reports information provided by Governments on follow-up action, and in their conclusions their own observations thereon, including in regard to both problems and improvements, as appropriate;

7. Invites the non-governmental organizations to continue their cooperation with thematic procedures, and to ascertain that the material provided falls under the mandates of these procedures and contains the required elements;

8. Takes note of the recommendations of the meetings of the special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme with the United Nations High Commissioner for Human Rights, held from 30 May to 1 June 1994 (E/CN.4/1995/5, annex, paras. 25-26) and from 29 to 31 May 1995 (E/CN.4/1996/50, annex, paras. 62-74);

9. Encourages the thematic special rapporteurs and working groups to make recommendations for the avoidance of human rights violations;

10. Also encourages the thematic special rapporteurs and working groups to follow closely the progress made by Governments in their investigations carried out within their respective mandates;

11. Further encourages the thematic special rapporteurs and working groups to continue close cooperation with relevant treaty bodies and country rapporteurs;

12. Encourages the United Nations High Commissioner for Human Rights further to strengthen cooperation among the thematic special rapporteurs, representatives, experts, members and chairpersons of working groups of the Commission and other relevant United Nations bodies, including the human rights treaty bodies, with a view to promoting greater efficiency and

effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

13. Requests the thematic special rapporteurs and working groups to include in their reports comments on problems of responsiveness and the result of analyses, as appropriate, in order to carry out their mandates even more effectively, and to include also in their reports suggestions as to areas where Governments might request relevant assistance through the programme of advisory services administered by the Centre for Human Rights;

14. Calls upon the thematic special rapporteurs and working groups to include regularly in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of their human rights;

15. Suggests that the special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights consider how these mechanisms can make available information on the particular situation of individuals working for the promotion and protection of all human rights and fundamental freedoms and how their protection can be enhanced, taking into account the ongoing deliberations of the relevant working group of the Commission;

16. Requests the Secretary-General, in close collaboration with the thematic special rapporteurs and working groups, to issue annually and sufficiently early their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

17. Welcomes the joint declaration (A/CONF.157/9) of the independent experts responsible for the special procedures for the protection of human rights, of 17 June 1993;

18. Requests the Secretary-General to consider the possibility of convening further periodic meetings of all the thematic special rapporteurs and the chairmen of working groups of the Commission on Human Rights in order to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations;

19. Also requests the Secretary-General, in implementing the United Nations budget for the biennium 1996-1997, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission;

20. Further requests the Secretary-General to present annually a list of all persons currently constituting the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of each session of the Commission on Human Rights.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/47. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling and reaffirming General Assembly resolutions 49/60 of 9 December 1994 and 50/186 of 22 December 1995, and its own resolution 1995/43 of 3 March 1995,

Recalling also resolution 1994/18 of 25 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the Co-Chairmen's statement adopted at the Summit of Peacemakers on 13 March 1996 in Sharm El Sheikh, Egypt,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified as a means to promote and protect human rights,

Taking into account that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the freedom from fear of the people,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that every individual should strive to secure their universal and effective recognition and observance, Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Noting with great concern the growing connection between terrorist groups and the illegal traffic in arms and drugs, as well as the consequent commission of serious crimes,

Reaffirming that all measures to counter terrorism must be in strict conformity with international human rights standards,

1. Expresses its solidarity with the victims of terrorism;

2. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism, regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

3. Condemns incitement of ethnic hatred, violence and terrorism;

4. Calls upon States to take all necessary and effective measures, in accordance with relevant provisions of international law and international standards of human rights, to prevent, combat and eliminate terrorism, wherever and by whomever committed;

5. Urges the international community to enhance cooperation at the regional and international levels in the fight against terrorism in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

6. Urges all thematic special rapporteurs and working groups to address as appropriate the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

7. Notes that the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning the preparation of a working paper on the question of human rights and terrorism has not yet been carried out, and calls on the Sub-Commission to report to the Commission on this matter at its fifty-third session;

8. Requests the Secretary-General to continue to collect information on this question from all relevant sources, including Governments, specialized agencies, intergovernmental organizations and non-governmental organizations, and to make it available to the special rapporteurs and working groups concerned and to the Commission on Human Rights for their consideration;

9. Decides to continue consideration of the question at its fifty-third session as a matter of priority.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/48. Question of integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling its resolutions 1995/86 of 8 March 1995 and 1994/45 of 3 March 1994,

Recalling also that in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community,

Bearing in mind that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and for steps to be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee for the Elimination of Discrimination against Women, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations agencies,

Welcoming the successful convening of the Fourth World Conference on Women: Action for Equality, Development and Peace, held in Beijing from 4 to 15 September 1995, and the significant contribution the Conference has made to the promotion of the human rights of women and the girl child, and encouraging all States to take practical measures to implement the Beijing Declaration and Platform for Action (A/CONF.177/20),

Recognizing the major role of the Commission on the Status of Women in promoting equality between women and men, and recalling resolution 40/3 on mainstreaming the human rights of women adopted by the Commission at its fortieth session, Welcoming the appointment of a high-level adviser on gender issues in the Office of the Secretary-General,

Bearing in mind that, in the Platform for Action, the Fourth World Conference on Women called on all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Recognizing the need to promote and strengthen national and international efforts to improve the status of women in all areas in order to foster the elimination of discrimination and gender-based violence against women,

Reaffirming the important role women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

1. Calls for intensified effort at the international level to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms;

2. Encourages the efforts made by the United Nations High Commissioner for Human Rights, within his mandate established by the General Assembly in resolution 48/141 of 20 December 1993, to coordinate the activities of relevant United Nations organs, bodies and mechanisms dealing with human rights in considering violations of the human rights of women;

3. Encourages the strengthening of cooperation and coordination among all human rights treaty bodies, special rapporteurs, special procedures and other human rights mechanisms of the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and requests that they regularly and systematically take a gender perspective into account in the implementation of their mandates, including information and qualitative analysis in their reports on violations of the human rights of women;

4. Encourages the further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women and between the Centre for Human Rights and the Division for the Advancement of Women, and requests that the joint work plan of the Centre for Human Rights and the Division for the Advancement of Women be made available to the Commission on Human Rights at its fifty-third session as well as the Commission on the Status of Women at its forty-first session;

5. Welcomes the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes (E/CN.4/1996/105, annex), and requests the Secretary-General to distribute the report widely, including within the Centre for Human Rights and to the special rapporteurs and experts;

6. Also welcomes the recommendation by the chairpersons of the human rights treaty bodies that each treaty body consider how it might most effectively integrate a gender perspective into its work and, in particular:

(a) Integrate a gender perspective into its pre-sessional and sessional working methods, and consider the gender implications of each issue discussed under each of the articles of its respective instrument;

(b) Amend its guidelines for the preparation of reports by States parties to include specific information on the human rights of women and gender-disaggregated data;

(c) Exchange information with other treaty bodies on the human rights of women and the use of gender-inclusive language in preparing reports of the sessions of the treaty bodies;

7. Urges States to consider the gender composition of the treaty bodies when nominating and electing candidates to such bodies;

8. Recalls that the Beijing Platform for Action urged States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, formulate any such reservations as precisely and as narrowly as possible, ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, and regularly review them with a view to withdrawing them;

9. Notes that the meeting of the special rapporteurs and chairpersons of working groups of the special procedures of the Commission on Human Rights has begun to consider the question of integrating the human rights of women into their work, and stresses the need for further consideration and qualitative analysis of this issue at their next meeting and its practical application in their work;

10. Encourages improved coordination among the specialized agencies and funds of the United Nations system, particularly the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme and the United Nations Population Fund, in order to promote the human rights of women through a systematic and periodic exchange of information, experience and expertise, and requests the United Nations High Commissioner for Human Rights to bring the present resolution to their attention;

11. Urges the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to provide training in the human rights of women for all United Nations personnel and officials, especially those in human rights and humanitarian relief activities, and promote their understanding of the human rights of women so that they recognize and deal with violations of the human rights of women and can fully

take into account the gender aspects of their work, and, in particular, encourages the Centre for Human Rights to ensure that its information and training materials, including the Manual on Human Rights Reporting (United Nations publication, Sales No. E.91.XIV.1), incorporate a gender perspective;

12. Invites the United Nations High Commissioner for Human Rights to consider assigning to a high-level post within his Office the task of providing advice on integrating the human rights of women throughout the Centre for Human Rights and liaising with other relevant United Nations bodies in this regard;

13. Requests States and the relevant United Nations bodies to include in their human rights education activities information on the human rights of women;

14. Requests the Secretary-General to report on the implementation of the present resolution at its fifty-third session;

15. Decides to continue its consideration of the question at its fifty-third session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/49. The elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolution 1994/45 of 4 March 1994 in which it decided to appoint a special rapporteur on violence against women, its causes and consequences,

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Deeply concerned at continuing and endemic violence against women, and noting that the Declaration on the Elimination of Violence against Women sets out various forms of physical, sexual and psychological violence against women, Bearing in mind that violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms,

Mindful that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 September 1993, and reiterating that such acts constitute grave breaches of international humanitarian law,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the significant progress achieved in relevant sections of the Beijing Declaration and Platform for Action (A/CONF.177/20), such as those on violence against women, women and armed conflict and the human rights of women,

Noting with appreciation the Special Rapporteur's active participation in the preparatory process for the Fourth World Conference on Women: Action for Equality, Development and Peace and in the Conference itself,

Welcoming the adoption of General Assembly resolution 50/166 of 22 December 1995 on the role of the United Nations Development Fund for Women in eliminating violence against women,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life, and urges the eradication of all forms of discrimination against women,

1. Welcomes the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her report (E/CN.4/1996/53 and Add.1 and 2);

2. Encourages the Special Rapporteur in her work on violence in the community;

3. Commends the Special Rapporteur for her analysis of violence in the family;

4. Condemns all acts of gender-based violence against women, and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims;

5. Also condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law, and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

6. Takes note of the procedures established by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and its consequences, in particular standard information forms;

7. Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women, including violence against women in the family, and calls on States:

(a) To work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women, including those contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women;

(c) To enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society, bearing in mind the Special Rapporteur's suggested guidelines;

(d) To create, improve or develop, as appropriate, and fund the training programmes for judicial, legal, medical, social, educational and police and immigrant personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be assured;

(e) To enact and enforce legislation against the perpetrators of practices and acts of violence against women, such as female genital mutilation, female infanticide, prenatal sex selection and dowry-related violence, and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;

(f) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(g) To promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women, and encourage research into the causes, nature, seriousness and consequences of violence against women and the effectiveness of measures implemented to prevent and redress violence against women;

(h) To cooperate with other competent mechanisms, such as the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, in relation to violence against women;

(i) To enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography;

8. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be fully implemented with regard to violence against women, taking into account General Recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those countries which are still not parties to the Convention to work actively towards ratification of or accession to it;

9. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness on the issue of violence against women and to contribute to its elimination;

10. Welcomes the decision of the Commission on the Status of Women, at its fortieth session, to renew the open-ended working group established to develop an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, taking into account the recommendations of the Special Rapporteur in regard to an optional protocol;

11. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and respond to the Special Rapporteur's visits and communications;

12. Requests human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, and in particular to respond to requests for information on violence against women, its causes and its consequences;

13. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

14. Also requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women to assist in the Commission's work in the area of violence against women, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

15. Decides to continue consideration of the question as a matter of high priority at its fifty-third session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/50. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling relevant resolutions of the General Assembly and its own relevant resolutions concerning national institutions for the promotion and protection of human rights, notably General Assembly resolution 48/134 of 20 December 1993, Commission on Human Rights resolution 1995/50 of 3 March 1995 and General Assembly resolution 50/176 of 22 December 1995,

Welcoming the growing interest shown worldwide in the creation and strengthening of national institutions, that is, independent and pluralistic national institutions for the promotion and protection of human rights, expressed during the regional preparatory meetings for the World Conference on Human Rights and at the Conference itself, as well as at the various international meetings of national institutions for the promotion and protection of human rights held since 1991, Convinced of the important role national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play an important role in assisting the development of national institutions,

Recalling that, in General Assembly resolution 48/134, the Assembly welcomed the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to that resolution,

Welcoming the decision, announced recently by several States, to establish, or consider establishing national institutions for the promotion and protection of human rights,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling also the Platform for Action adopted at the Fourth World Conference on Women: Action for Equality, Development and Peace (A/CONF.177/20), in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women, as recommended by the World Conference on Human Rights,

Recalling that, at the World Conference on Human Rights, representatives of national institutions who attended as observers played a positive and constructive role in the deliberations of the Conference,

Noting with satisfaction the convening of the third International Workshop on National Institutions for the Promotion and Protection of Human Rights in Manila from 18 to 21 April 1995 and the first African Conference of Human Rights National Institutions in Yaounde from 5 to 7 February 1996,

Taking note of the decision by one Government to provide funding for the appointment of a special adviser to the United Nations High Commissioner for Human Rights on national human rights institutions, Noting with satisfaction the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

Noting the importance of finding an appropriate form of participation by national institutions in relevant United Nations meetings dealing with human rights, and noting that a number of national institutions have for some time taken part in such meetings as part of the delegations of Member States,

1. Reaffirms the importance of the development of effective national institutions for the promotion and protection of human rights in keeping with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 of 20 December 1993;

2. Encourages Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action, and, where appropriate, to incorporate the elements identified in that Declaration and Programme of Action in national development plans or in their preparation of national action plans;

3. Also encourages all Member States to take appropriate steps to promote the exchange, in particular by national institutions, of information and experience concerning the establishment and operation of national institutions;

4. Emphasizes in this regard the need to disseminate the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to General Assembly resolution 48/134, as widely as possible, and calls upon the Secretary-General to undertake this task;

5. Affirms the role of national institutions, where they exist, as appropriate agencies for the dissemination of human rights materials and other public information activities, including those of the United Nations;

6. Requests the Secretary-General to continue to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights;

7. Requests the Centre for Human Rights, with the assistance of national institutions and their Coordinating Committee, to continue to provide technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them, and invites Governments to contribute additional funds to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for these purposes;

8. Requests the Secretary-General to take measures to ensure that national institutions are informed effectively, including through diplomatic channels, about the activities of the Centre for Human Rights involving national institutions;

9. Commends the intensified activities of the High Commissioner in promoting and strengthening national institutions;

10. Commends the Centre for Human Rights for the preparation and publication of the handbook National Human Rights Institutions (United Nations publication, Sales No. E.95.XIV.2);

11. Takes note of the role of the Coordinating Committee created by national institutions at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Tunis from 13 to 17 December 1993, in close cooperation with the Centre for Human Rights, to assist Governments and institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

12. Requests the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee during the sessions of the Commission on Human Rights, under the auspices of and in cooperation with the Centre for Human Rights;

13. Takes note of the report of the third International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Manila from 18 to 21 April 1995 (E/CN.4/1996/8), and the declaration and recommendations therein, in particular its recommendations relating to the participation of national institutions in the work of United Nations human rights bodies;

14. Also takes note of the report of the Secretary-General concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights (E/CN.4/1996/48 and Add.1), and notes the corresponding recommendation therein;

15. Considers that it would be appropriate for national institutions to be able to participate in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies, that consideration should be given to a definitive resolution of this question and that appropriate practices should be adopted in the interim to provide for their participation;

16. Requests the Secretary-General again to invite Member States which have not yet done so to inform him of their views concerning possible forms of participation by national institutions in meetings of the Commission on Human Rights and its subsidiary bodies and, in particular, to address themselves to possible measures which could provide for such participation, and to include the information provided by Governments in his report to the Commission at its fifty-third session;

17. Encourages Governments and national institutions to take account, in their policy and practice in this area, of the provisions contained in the Principles relating to the status of national institutions for the promotion and protection of human rights;

18. Encourages Governments to devise an information strategy to raise awareness among the general public and among all elements of civil society on the need to promote and protect human rights;

19. Requests the Secretary-General to convene, within existing resources, a fourth international workshop on national institutions for the promotion and protection of human rights, to be held, if possible, in Latin America during 1996 or 1997, and to invite Governments and intergovernmental organizations to contribute to the Voluntary Fund for the purpose of financing, where necessary, attendance by representatives of national institutions;

20. Recognizes the important and constructive role that non-governmental organizations can play, in cooperation with national institutions, for the better promotion and protection of human rights;

21. Requests the Secretary-General to report to the Commission at its fifty-third session on the implementation of the present resolution;

22. Decides to continue its consideration of this question at its fifty-third session.

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/51. Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the escalating scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Recalling its previous relevant resolutions, in particular resolution 1995/88 of 8 March 1995, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people and that there is a need for a comprehensive approach by the international community to address root causes and effects of movements of refugees and other displaced persons and for the strengthening of emergency preparedness and response mechanisms,

Conscious of the fact that mass exoduses of populations are caused by multiple and complex factors, such as human rights violations, political, ethnic and economic conflicts, famine, insecurity, violence, poverty and environmental degradation, which indicate that any approach to early warning requires an intersectoral and multidisciplinary approach,

Noting that the Secretary-General, in his report entitled "An Agenda for Peace" (A/47/277-S/24111), identifies the protection of human rights and the promotion of economic well-being as important elements of peace, security and development,

Recognizing the important aspects of complementarity between the system for the protection of human rights and humanitarian action, and that humanitarian agencies make an important contribution to the achievement of human rights,

Welcoming the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving both prevention of, and preparedness for, emergencies, and welcoming also the participation of the United Nations High Commissioner for Human Rights and the representative of the Secretary-General on internally displaced persons in the deliberations of the Inter-Agency Standing Committee established by the General Assembly in resolution 46/182 of 19 December 1991,

Welcoming also the cooperation between the United Nations High Commissioner for Refugees, other relevant United Nations entities and the United Nations High Commissioner for Human Rights, with a view to ensuring complementarity of mandates and expertise in the areas of returnee monitoring and promotion, institution-building and rehabilitation projects,

Welcoming further the involvement of the Office of the High Commissioner for Refugees in activities in countries of actual or potential return, including the monitoring of returnees, in particular in the framework of tripartite agreements between the State of origin, the State of asylum and the Office of the United Nations High Commissioner for Refugees, aimed at making effective the fundamental right of refugees to return to their own countries,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, acting within their mandates, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms, with a view, inter alia, to preventing mass exoduses and the strengthening of emergency preparedness and response mechanisms, should be encouraged and further developed and coordinated, with priority given to the systematization of early warning information collection,

Recognizing that women and children constitute approximately 80 per cent of most refugee populations and that, in addition to the problems and needs they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violence and exploitation, Recalling that States parties to the 1951 Convention relating to the Status of Refugees undertake, under article 35, to provide information to the Office of the United Nations High Commissioner for Refugees on the implementation of the Convention, as was recalled in the General Conclusion on International Protection adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in 1995,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees worldwide,

1. Takes note with interest of the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1996/42), which is an important contribution to efforts to develop a comprehensive approach to the question of human rights and mass exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language, and urges States to refrain from denying these because of gender;

3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. Takes note of resolution 1995/13 of 18 August 1995 entitled "The right to freedom of movement" adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

5. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

6. Urges all bodies involved in inter-agency consultations on early warning to cooperate fully in and to devote the necessary resources to the successful operation of the consultations;

7. Invites the special rapporteurs, special representatives and working groups of the Commission and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports, and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of his mandate, in consultation with the United Nations High Commissioner for Refugees;

8. Requests all United Nations bodies, including the United Nations human rights treaty bodies acting within their mandates, the specialized agencies, and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

9. Requests the United Nations High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, for preventing the continuation of human rights violations throughout the world and for coordinating human rights activities throughout the United Nations system, and in cooperation with the United Nations High Commissioner for Refugees, to pay attention to situations which cause or threaten to cause mass exoduses and to address effectively such situations through emergency preparedness and response mechanisms, including information sharing and the provision of technical advice, expertise and cooperation;

10. Welcomes the establishment by the Department of Humanitarian Affairs of the Humanitarian Early Warning System, and notes with appreciation the contribution made by the United Nations High Commissioner for Human Rights and the Centre for Human Rights to its development;

11. Notes with satisfaction the participation of the United Nations High Commissioner for Human Rights in the framework for coordination projects organized by the Department of Humanitarian Affairs, the Department of Political Affairs and the Department of Peace-keeping Operations, reflecting the need for a comprehensive approach to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms;

12. Urges the Secretary-General to attach high priority and to allocate the necessary resources to the consolidation and strengthening of the system for undertaking early warning activities in the humanitarian area for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons, and to invite comments on this issue;

13. Welcomes with appreciation the contributions of the United Nations High Commissioner for Refugees to the deliberations of international human rights bodies and mechanisms, and invites her to address the Commission at its fifty-third session;

14. Encourages States that have not already done so to consider accession to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and other relevant regional refugee instruments and relevant international human rights instruments;

15. Encourages States parties to the 1951 Convention relating to the Status of Refugees to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 of the Convention;

16. Requests the United Nations High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and to prepare, within existing resources, and submit to the Commission at its fifty-third session an update of the Secretary-General's report, including information on and recommendations and conclusions emerging from the action taken pursuant to the present resolution, as well as all relevant information on the human rights situations creating or affecting refugees and displaced persons;

17. Decides to continue its consideration of the question at its fifty-third session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" under the sub-item entitled "Human rights, mass exoduses and displaced persons".

52nd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/52. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who receive inadequate protection and assistance, and conscious of the serious problem this is creating for the international community,

Noting with concern that many serious situations of internal displacement do not receive sufficient attention and response,

Conscious of the human rights, as well as the humanitarian, dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community to explore methods and means better to address their protection and assistance needs,

Recalling the relevant norms of international human rights instruments, of international humanitarian law and analogous refugee law,

Bearing in mind General Assembly resolutions 49/169 of 23 December 1994 and 50/195 of 22 December 1996 and, in particular, the call by the General Assembly on the Commission to consider the question of establishing an appropriate legal framework for the internally displaced, on the basis of the report of the representative of the Secretary-General, Recognizing that the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating specific rights for their protection,

Welcoming the call by the General Assembly for a more concerted response by the international community to the needs of internally displaced persons and the emphasis in the Vienna Declaration and Programme of Action (A/CONF.157/23) on the need to develop global strategies to address the problem of internal displacement,

Welcoming also the cooperation established between the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme and the Department of Humanitarian Affairs of the Secretariat as well as the International Committee of the Red Cross and other relevant international and regional organizations and agencies, and taking note with appreciation in particular of the appointment by the Inter-American Commission on Human Rights of a rapporteur on internally displaced persons following discussions with the representative of the Secretary-General,

Recalling Economic and Social Council resolution 1995/56 of 28 July 1995 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations,

Noting the finding of the representative of the Secretary-General that a central coordination mechanism to assign responsibilities in emergency situations is essential, and welcoming in this context the establishment, by the Inter-Agency Standing Committee, of the Task Force on Internally Displaced Persons,

Welcoming the decision by the Inter-Agency Standing Committee to invite the representative of the Secretary-General to participate in its relevant meetings, as well as in its Task Force, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

Recalling its resolution 1995/57 of 3 March 1995,

1. Takes note with appreciation of the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1996/52 and Add.1 and 2);

2. Also takes note with interest of the compilation and analysis of legal norms submitted by the representative of the Secretary-General, which concludes, in particular, that present international law provides sufficient protection for most of the specific needs of the internally displaced, although important areas of insufficient legal protection exist;

3. Commends the representative of the Secretary-General for the activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play to raise the level of consciousness about the plight of internally displaced persons;

4. Also commends the representative of the Secretary-General for his efforts to promote a comprehensive strategy for better protection, assistance and development for internally displaced persons;

5. Encourages the representative of the Secretary-General through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations;

6. Welcomes the specific attention paid by the representative of the Secretary-General to the protection and assistance needs of women and children in accordance with the relevant objectives in the Beijing Declaration and Platform for Action (A/CONF.177/20) and encourages him to continue to address these needs;

7. Emphasizes the need for better implementation of existing international law applicable to internally displaced persons;

8. Requests the Secretary-General to publish the compilation and analysis of legal norms prepared by his representative and to disseminate it widely;

9. Calls upon the representative of the Secretary-General to continue, on the basis of his compilation and analysis of legal norms, to develop an appropriate framework in this regard for the protection of internally displaced persons and to report thereon to the Commission at its fifty-third session;

10. Calls upon all Governments to continue to facilitate the activities of the representative of the Secretary-General, encourages them to give serious consideration to inviting him to visit their countries so as to enable him to study and analyse more fully the issues involved, and thanks those Governments that have already done so;

11. Invites Governments to give due consideration, in dialogue with the representative of the Secretary-General, to his recommendations and suggestions and to make available information on measures taken thereon;

12. Expresses appreciation to those Governments and intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and have supported the work of the representative of the Secretary-General;

13. Encourages the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, as well as the United Nations High Commissioner for Refugees, the United Nations Development Programme, the Department for Humanitarian Affairs of the Secretariat, the International Committee of the Red Cross and all other relevant humanitarian assistance and development organizations to strengthen their cooperation further;

14. Calls upon these organizations and agencies to develop, in cooperation with the representative of the Secretary-General, the setting up of a more comprehensive and coherent system of data collection on the situation and protection of internally displaced persons;

15. Urges these organizations to establish, in particular through the Inter-Agency Standing Committee and its Task Force on Internally Displaced Persons, frameworks of cooperation with the representative of the Secretary-General in order to provide all possible support to him in the implementation of his programme of activities, in particular by monitoring and identifying situations of internal displacement and bringing them to his attention, supporting timely intercessions and dialogue with authorities, ensuring timely and effective response by the appropriate agencies, and assisting in follow-up measures to his recommendations and suggestions;

16. Calls upon the representative of the Secretary-General and regional intergovernmental organizations, such as the Organization of African Unity, the Organization of American States and the Organization for Security and Cooperation in Europe, to intensify their cooperation with a view to enhancing their support for the representative of the Secretary-General and strengthening their initiatives to facilitate, through regional approaches, assistance to and protection of internally displaced persons;

17. Welcomes the attention paid by relevant rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and to make them available to the representative of the Secretary-General;

18. Calls upon the United Nations High Commissioner for Human Rights to develop projects, in cooperation with Governments, relevant international organizations and the representative of the Secretary-General, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation;

19. Requests the Secretary-General to provide his representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the representative of the Secretary-General to continue to seek the contribution of local, national and regional institutions;

20. Decides to continue its consideration of the question at its fifty-third session.

53rd meeting
19 April 1996
[Adopted without a vote. See chap. IX.]

1996/53. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in its article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice,

Mindful also that the International Covenant on Civil and Political Rights also states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these should be only such as provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or public order (ordre public) or of public health or morals,

Mindful further that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Mindful of the need to ensure that unjustified invocation of national security to restrict the right to freedom of expression and information does not take place,

Considering the promotion and protection of the rights to freedom of opinion and expression, including the right to seek, receive and impart information, as well as the rights to peaceful assembly and association, to be essential to popular participation in decision-making processes and to the realization of all rights set forth in international human rights instruments,

Emphasizing that individuals working in the field of social development can play a useful role in promoting popular participation by the expression of views and information related to the decision-making process,

Recalling its resolution 1993/45 of 5 March 1993, in which it decided to appoint a special rapporteur on the promotion and protection of the right to freedom of opinion and expression with a specific mandate, as well as subsequent resolutions in which the Commission took action on his reports,

Recalling also the reports and final conclusions and recommendations on the right to freedom of opinion and expression submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second, forty-third and forty-fourth sessions by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Turk (E/CN.4/Sub.2/1990/11, E/CN.4/Sub.2/1991/9 and E/CN.4/Sub.2/1992/9 and Add.1), Taking note of the report of the Special Rapporteur and the reference therein to the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995 which are annexed to that report (E/CN.4/1996/39),

Considering that the effective promotion and protection of the human rights of persons who exercise the right to freedom of opinion and expression are of fundamental importance to the safeguarding of human dignity,

Considering also that the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights,

Deeply concerned by numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information, including journalists, editors, writers and authors, translators, publishers, broadcasters, printers and distributors,

Taking note of the need to raise awareness about the linkages between the media, including modern telecommunications technology and the right to freedom of expression and information, mindful of provisions of relevant instruments,

Welcoming the agreed conclusions 1996/2 on women and the media approved by the Commission on the Status of Women on 22 March 1996,

Deeply concerned that for women in all parts of the world there exists a gap between the right to freedom of opinion and expression and the effective promotion and protection of that right and that this contributes to the under-reporting of incidents of discrimination based on sex and inadequate action by Governments to investigate and take appropriate remedial action in response to these incidents,

1. Welcomes the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1996/39 and Add.1 and 2), and recalls his conclusion in his report to the Commission at its fifty-first session that freedom of expression is a fundamental right, the enjoyment of which illustrates in many ways the degree of enjoyment of all human rights enshrined in the International Bill of Human Rights;

2. Notes that the Special Rapporteur recognized in his first report (E/CN.4/1994/33) the need to cooperate with other special rapporteurs, special representatives, independent experts, working groups and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue his efforts in this regard;

3. Expresses its concern at the inadequate resources, both human and material, provided to the Special Rapporteur, particularly in the light of the information contained in his latest report, stating that the situation has become more acute in view of the substantially larger number of allegations he has received (E/CN.4/1996/39, para. 6), and accordingly reiterates its request to the Secretary-General to provide, from within existing overall

United Nations resources, all the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by strengthening the human and material resources placed at his disposal;

4. Requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights and the United Nations Decade for Human Rights Education, the work of the Special Rapporteur, as well as recommendations made by him;

5. Expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at, persons who exercise the right to freedom of opinion and expression and the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

6. Also expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at, persons who seek to promote and defend these rights and freedoms;

7. Emphasizes that professionals in the field of information play a major role in the promotion and protection of freedom of opinion and expression, and expresses in this regard its deep concern at the numerous reports received by the Special Rapporteur of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at, such professionals, including journalists, editors, writers and authors, translators, publishers, broadcasters, printers and distributors;

8. Expresses its concern at the number of cases of arbitrary detention ordered following the exercise of rights protected by article 19 of the International Covenant on Civil and Political Rights and by other relevant human rights instruments concerning the right to freedom of opinion and expression;

9. Welcomes the release of persons detained for exercising these rights and freedoms, and encourages further progress in this regard;

10. Urges the Special Rapporteur, within the framework of his mandate, to draw the attention of the United Nations High Commissioner for Human Rights to those situations regarding freedom of opinion and expression which are of particularly serious concern to the Special Rapporteur, and encourages the United Nations High Commissioner for Human Rights, within his mandate, to take into account reports in this regard in the context of his activities to promote and protect human rights, with a view to preventing the occurrence and recurrence of human rights violations;

11. Invites the Special Rapporteur to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of

discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, and to consider how these obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live;

12. Invites relevant United Nations bodies, mechanisms and procedures of the Commission on Human Rights, the Committee on the Elimination of Discrimination against Women and independent expert bodies, within their mandates, further to examine violations of the right to freedom of opinion and expression from a gender perspective, in cooperation with the Commission on the Status of Women, as also recommended by that Commission in its agreed conclusions 1996/2 on women and the media of 22 March 1996;

13. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs or who seek to promote and defend these rights and freedoms and, where any persons have been detained, subjected to violence or threats of violence and to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

14. Also appeals to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, and in this context to pay particular attention to the situation of women;

15. Once again invites the working groups, representatives and the special rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments;

16. Urges all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate;

17. Again invites the Special Rapporteur, in his next report, to develop further his commentary on the right to seek and receive information and to expand on his observations arising from communications;

18. Requests the Special Rapporteur to submit to the Commission at its fifty-third session a report covering the activities relating to his mandate;

19. Decides that the mandate of the Special Rapporteur should be renewed for a period of three years;

20. _Also decides_ to continue its consideration of the question at its fifty-third session.

53rd meeting
19 April 1996
[Adopted without a vote. See chap. VIII.]

1996/54. _Situation of human rights in Cambodia_

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including Part III relating to human rights,

Recalling Commission on Human Rights resolution 1995/55 of 3 March 1995, General Assembly resolution 50/178 of 22 December 1995 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to ensure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Commending the continued operation in Cambodia of the office of the Centre for Human Rights,

Welcoming the understanding reached between the Special Envoy of the Secretary-General and the Government of Cambodia in May 1995 regarding increased consultations between the Centre for Human Rights and the Government of Cambodia,

1. _Requests_ the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

2. Welcomes the report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/1996/92);

3. Also welcomes the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and the signing of a memorandum of understanding with the Government of Cambodia to allow the office of the Centre for Human Rights to continue operating for the next two years and to maintain its technical cooperation programmes;

4. Commends the work of the former Special Representative of the Secretary-General, Mr. Michael Kirby, in promoting and protecting human rights in Cambodia;

5. Takes note with appreciation of the latest report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1996/93), and endorses his recommendations and conclusions, including those aimed at ensuring the independence of the judiciary and the establishment of the rule of law, good governance, freedom of expression and the promotion of an effective functioning multi-party democracy;

6. Welcomes the appointment by the Secretary-General of Mr. Thomas Hammarberg as his new Special Representative;

7. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in his previous reports, are followed up and implemented;

8. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

9. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, in particular in the area of human rights education and the essential area of creating a functioning system of justice, urges that efforts continue in this area, and encourages the Government to improve the conditions of prisons;

10. Notes that communal elections are due to be held in 1997 and National Assembly elections in 1998, and strongly urges the Government of Cambodia to promote and uphold the effective functioning of multi-party democracy, including the right to form political parties, stand for election, take part freely in a representative Government and freedom of expression, in accordance with the principles set out in paragraphs 2 and 4 of annex 5 to the Agreement signed in Paris on 23 October 1991;

11. Calls upon the Government of Cambodia to investigate cases of violence and intimidation directed against political parties and their supporters, as well as against media personnel and offices, and to bring to justice those responsible;

12. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages and other deplorable incidents detailed in the reports of the Special Representative;

13. Also expresses grave concern about the serious violations of human rights as detailed by the Special Representative in his reports, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

14. Expresses particularly grave concern at the comments made by the Special Representative concerning the reluctance of the courts to charge members of the military and other security forces for serious criminal offences, and encourages the Government of Cambodia to address this problem, which in effect places persons in authority above the principle of equality before the law, as a matter of urgent priority;

15. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the International Covenants on Human Rights and other human rights instruments to which Cambodia is a party;

16. Recognizes the seriousness with which the Government of Cambodia has approached the preparation of its initial reports to the relevant treaty bodies, and encourages the Government to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the office in Cambodia of the Centre for Human Rights;

17. Encourages the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

18. Commends the ongoing efforts of the office in Cambodia of the Centre for Human Rights in supporting and assisting the Government of Cambodia, as well as assisting non-governmental organizations and others involved in the promotion and protection of human rights in cooperation with the Government of Cambodia;

19. Welcomes and encourages the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia;

20. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to this Trust Fund;

21. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women, children, disabled persons and minorities;

22. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel land-mines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, and welcomes the intention of the Government of Cambodia to ban all anti-personnel land-mines;

23. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-third session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

24. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-third session, under the agenda item entitled "Advisory services in the field of human rights".

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/55. Advisory services, technical cooperation and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as the latest resolution of the Commission on Human Rights on the subject, 1995/53 of 3 March 1995,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) in which the World Conference on Human Rights called for an enhanced programme of advisory services in the field of human rights, as well as for a more efficient and transparent management of the programme,

Mindful of the responsibilities of the United Nations High Commissioner for Human Rights set out in General Assembly resolution 48/141 of 20 December 1993, in particular that of providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical cooperation at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights,

Welcoming the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights,

Encouraging all States in need of assistance in the field of human rights to consider making use of the advisory services and technical cooperation being offered at the bilateral, regional or international level, provided by the Centre for Human Rights or other relevant bodies involved in the field of human rights within the United Nations system or by national institutions or non-governmental organizations, in order to achieve the full enjoyment of all human rights,

Emphasizing the particular importance of the development of assistance in the field of human rights, including through the assignment of human rights field officers, to countries in transition or reconstruction after situations of armed conflict or internal disturbance, with the consent of the Government concerned,

Reaffirming that the provision of advisory services and technical cooperation may be seen as a complement to, but not a substitute for, the monitoring and investigating activities of the human rights programme and that their provision does not reduce a Government's responsibility to account for the human rights situation and, whenever applicable, would not exempt it from monitoring through the various procedures established by the United Nations,

Convinced that advisory services and technical cooperation in the field of human rights require close cooperation between United Nations bodies and specialized agencies active in this field so as to enhance the effectiveness and efficiency of their respective programmes and avoid unnecessary duplication,

Mindful that the United Nations High Commissioner for Human Rights, in accordance with his mandate as established by the General Assembly in resolution 48/141, is responsible, inter alia, for the coordination of human rights promotion and protection activities throughout the United Nations system,

Convinced, therefore, of the need for the Centre for Human Rights to assume the functions of focal point and clearing house for inter-agency coordination on human rights issues with other organizations of the United Nations system,

Reaffirming that within the comprehensive programme of advisory services and technical cooperation in the field of human rights, a clear distinction should be made between technical cooperation projects financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and activities under the regular budget of the United Nations, while at the same time close coordination between these activities should be ensured, Welcoming the nomination of a coordinator for the Voluntary Fund for Technical Cooperation in the Field of Human Rights,

Taking note with appreciation of the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1996/90), as well as of the report of the United Nations High Commissioner for Human Rights (E/CN.4/1996/103) regarding the provision of technical assistance,

1. Reaffirms that the programme of advisory services and technical cooperation in the field of human rights should continue to provide, at the request of Governments, assistance designed to strengthen national capacities for the promotion and protection of all human rights, achieve equality and strengthen the rule of law and democracy;

2. Welcomes the progress made in the management of the programme of advisory services and technical cooperation, notably the efforts made to introduce more efficient procedures and training of staff in the area of project identification, management and evaluation, as well as the progressive development of clear objectives, strategies and priorities for the effective management of the programme of advisory services and technical cooperation, and, in accordance with the Vienna Declaration and Programme of Action, encourages the Secretary-General to pursue these efforts further;

3. Requests the United Nations High Commissioner for Human Rights to establish, in connection with activities under the programme of advisory services and technical cooperation, a roster of experts and to invite Member States to provide relevant information to that end;

4. Requests the High Commissioner to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies and other organizations of the United Nations system, as well as non-governmental organizations, and arrangements where needs identified by the Centre are met by projects for which such bodies and organizations take full responsibility for financing and implementation;

5. Encourages in particular the cooperation between the Centre for Human Rights and the United Nations Development Programme, with a view to integrating, with the advice of the Commission on Human Rights, projects for strengthening human rights into the United Nations Development Programme activities and carrying out joint projects;

6. Invites competent United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights;

7. Requests the Secretary-General, in the context of the budgetary planning for the biennium 1998-1999, to allocate to the Centre for Human Rights more human and financial resources for the enlargement of the programme of advisory services and technical cooperation in the field of human rights,

from within existing overall United Nations resources and in a manner compatible with other development objectives, in order to meet the substantially increased demand;

8. Expresses its appreciation to Governments and non-governmental organizations for their contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights, and invites more Governments and non-governmental organizations to consider contributing;

9. Emphasizes that the objective of the Voluntary Fund is to provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improving the implementation of international conventions and other international standards on human rights;

10. Requests the Secretary-General, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund as advisory body, to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodical evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of annual information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

11. Requests the Board of Trustees to exercise its full mandate as advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the United Nations High Commissioner for Human Rights/the Centre for Human Rights in monitoring, reviewing and improving constantly the process of selecting and implementing technical cooperation projects, the conduct of comprehensive needs assessments and the evaluation of ongoing and completed projects against the objectives that have been set and criteria of cost-effectiveness, and invites the Chairman of the Board to address the Commission;

12. Requests the Secretary-General to provide the necessary administrative assistance for the Board, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights;

13. Also requests the Secretary-General to submit a report to the Commission at its fifty-third session containing an inventory and an analysis of the availability of technical cooperation in the field of human rights from all sources, both multilateral and bilateral, and to request relevant information from such sources;

14. *Further requests* the Secretary-General to report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/56. *Assistance to States in strengthening the rule of law*

The Commission on Human Rights,

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Convinced also that through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, *inter alia*, providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling also its resolution 1995/54, of 3 March 1995 and General Assembly resolution 50/179 of 22 December 1995,

1. *Takes note with satisfaction* of the report of the Secretary-General to the General Assembly (A/50/653), submitted in conformity with Assembly resolution 49/194 of 23 December 1994;

2. Takes note with interest of the proposals contained in the report of the Secretary-General for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions which uphold the rule of law;

3. Praises the efforts made by the United Nations High Commissioner for Human Rights and the Centre for Human Rights to accomplish their ever-increasing tasks with the limited financial and personnel resources at their disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical assistance does not have assistance funds sufficient to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Affirms that the High Commissioner, with the assistance of the Centre, remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law;

7. Welcomes the consultations and contacts initiated by the High Commissioner with other relevant bodies and programmes of the United Nations system aiming at the enhancement of inter-agency coordination and cooperation in providing assistance for the strengthening of the rule of law;

8. Encourages the High Commissioner to pursue these consultations, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law;

9. Requests the High Commissioner in this respect to continue to explore the possibilities of obtaining from all relevant institutions of the United Nations system, including financial institutions, acting within their mandates, technical and financial means to strengthen the capacity of the Centre to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

10. Requests the Secretary-General to submit a report to the General Assembly at its fifty-first session on the results of the contacts established in accordance with paragraph 9 above, as well as on any other developments pertaining to the implementation of the above-mentioned recommendation of the World Conference on Human Rights.

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/57. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling its resolution 1995/56 of 3 March 1995, in which it requested the independent expert to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, *inter alia* through the contributions of agencies and programmes of the United Nations currently in the field, aimed at re-establishing respect for human rights and the rule of law and strengthening the police and the judicial and prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards,

Noting with concern that the breakdown of governmental authority in Somalia has exacerbated the grave situation of human rights in the country,

Welcoming all efforts aimed at improving the humanitarian situation in Somalia, such as those of agencies and programmes of the United Nations, other humanitarian organizations and non-governmental organizations,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Noting with appreciation the efforts aimed at encouraging a peaceful political solution to the crisis, in particular those of neighbouring countries and the Organization of African Unity,

Appreciating, in this respect, the role of organizations such as the Organization of the Islamic Conference and the League of Arab States,

Affirming the need for a peaceful process leading to the disarmament of factions, political reconciliation and the re-establishment of effective government committed to the promotion and protection of human rights,

Deeply concerned at reports of arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment, violence against women and children and attacks against humanitarian personnel and at the absence of an effective judicial system essential to ensure the right to a fair trial in accordance with international standards,

Deploring continued attacks, acts of reprisal, abductions and other acts of violence committed against United Nations personnel, personnel of other humanitarian organizations and non-governmental organizations and representatives of the international media in Somalia, sometimes resulting in serious injury or death,

Recognizing the negative impact the current situation is having on neighbouring countries, in particular through refugee outflows, Noting that under the prevailing circumstances, it has been extremely difficult for the independent expert to fulfil his mandate as envisioned by the Commission,

Believing none the less that the Centre for Human Rights should be in a position, through its programme of advisory services and technical assistance, to reinforce any positive political developments in Somalia by providing assistance, including to the police and the judicial and penal systems as well as to other institutions for the promotion and protection of human rights,

1. Takes note of the report of the independent expert (E/CN.4/1996/14);

2. Calls upon all parties to the conflict in Somalia to work towards a peaceful solution to the crisis;

3. Strongly urges all parties in Somalia to respect human rights and humanitarian law, to apply criminal justice standards and to protect United Nations personnel, humanitarian relief workers and representatives of the international media;

4. Requests the independent expert to report to the Commission at its fifty-third session within his mandate;

5. Requests the Secretary-General to provide adequate resources, from within the regular budget of the United Nations, to fund the activities of the independent expert and the Centre for Human Rights, and invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

6. Decides to continue consideration of the question at its fifty-second session under the item "Advisory services in the field of human rights".

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/58. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field, Recalling its resolutions 1994/80 of 9 March 1994 and 1995/70 of 8 March 1995, and the relevant resolutions adopted by the General Assembly at its fiftieth session,

Having in mind the report (E/CN.4/1996/94) of the independent expert, Mr. Adama Dieng, appointed to consider the development of the human rights situation in Haiti and to verify compliance by that country with its obligations in that field, and the recommendations contained therein,

Condemning again the cruel and systematic violations of human rights experienced by the Haitian people under the de facto regime endured until 1994, from whose negative effects the country is still suffering,

Recognizing the efforts made by the international community, through the Secretary-General of the United Nations, the Secretary-General of the Organization of American States and the Special Representative of the Secretary-General of the United Nations for Haiti, to re-establish the democratic institutions in Haiti,

Aware that, although the human rights situation in Haiti has improved considerably since the resumption of office, in October 1994, by its legitimate President, Jean-Bertrand Aristide, it is incumbent on the international community to observe closely developments in Haiti and, in particular, the situation of human rights and fundamental freedoms,

Welcoming warmly the holding in Haiti, during 1995, of free and democratic legislative, municipal and presidential elections,

Acknowledging the work done by the International Civilian Mission to Haiti, and by the National Commission for Truth and Justice, in the field of the diffusion of democracy and respect for human rights,

Concerned, nevertheless, at the continued occurrence of specific abuses of human rights and at the persistence of flagrant shortcomings in the areas of the administration of justice and policing,

Considering that the support of the international community, especially through adequate technical and financial assistance, is essential for the more effective development of the efforts of the Government and people of Haiti to promote the realization of freedom and human rights,

Welcoming warmly the request of the Government of Haiti for technical assistance and advisory services in the field of human rights by the Centre for Human Rights,

Receiving favourably the invitation to visit Haiti addressed by the Government of Haiti to the Commission's Special Rapporteur on violence against women,

1. Expresses its thanks to the Secretary-General and his Special Representative for the work done with a view to consolidating the democratic institutions in Haiti and respect for human rights in that country;

2. Welcomes the extension, by the General Assembly in resolution 50/86 B of 4 April 1996, of the mandate of the International Civilian Mission to Haiti;

3. Takes note with gratitude of the report (E/CN.4/1996/94) of Mr. Adama Dieng, independent expert of the Commission on Human Rights on the situation of human rights in Haiti, and of the conclusions and recommendations contained therein;

4. Welcomes the efforts initiated by the Haitian authorities to promote democratization, among which must be included the successful conduct of democratic elections to Congress, the municipal councils and the office of President of the Republic;

5. Acknowledges the favourable approach taken by the Government of Haiti towards the establishment and development of institutions aimed at the promotion and protection of human rights and fundamental freedoms, in accordance with the international instruments on this question;

6. Expresses its concern at recent acts of violence, in particular assassinations of possibly political origin and cases of personal reprisals, and expresses its hope that such acts will be properly investigated;

7. Urges the Government of Haiti to continue and intensify the ongoing process of judicial reform, especially through the modernization of civil legislation, the training of judges and government commissioners, and the teaching of international humanitarian law and human rights;

8. Welcomes the establishment of the programme of technical cooperation prepared by the Centre for Human Rights, aimed at strengthening institutional capacity in the field of human rights, particularly in the areas of legislative reform, training of justice administration personnel and human rights education;

9. Requests, to this end, the Secretary-General, through the High Commissioner for Human Rights and the Centre for Human Rights, to take appropriate steps to ensure, from within existing resources, financial and human resources for the implementation of that programme;

10. Requests the independent expert to report to the Commission at its fifty-third session on the development of the human rights situation in Haiti and on the initiation of the technical cooperation programme in the area of human rights;

11. Urges the Government of Haiti to create favourable conditions for the execution of programmes aimed at the reconstruction and development of Haiti, and calls on the international community to extend its fullest collaboration to that end, through the implementation of international programmes of assistance;

12. Expresses its support for the work done by the National Commission for Truth and Justice, with the cooperation of the International Civilian Mission to Haiti, with regard to the investigation of past human rights abuses, and urges the Government of Haiti to implement its recommendations;

13. Invites the Special Rapporteur on violence against women to give favourable consideration to the invitation by the Government of Haiti to visit the country, with the support of the United Nations Population Fund;

14. Decides to continue consideration of this question at its fifty-third session, under the item entitled "Advisory services in the field of human rights".

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/59. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional circumstances,

Recalling its resolution 1995/51 of 3 March 1995,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1995/7 of 18 August 1995,

Having considered the reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1996/38 and Add.1) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4),

Having considered also the report of the independent expert, Mrs. Mónica Pinto (E/CN.4/1996/15), and studied the conclusions and recommendations contained therein,

Taking into account the four reports submitted by the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) to the Secretary-General,

Taking note with satisfaction of the legal and institutional reforms undertaken by the previous Government, as well as the measures adopted by the new Government, such as the dismissal of some high-ranking military officers and a large number of members of the security forces, with a view to combating impunity and guaranteeing full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned nevertheless by the fact that, despite those reforms, there continue to be serious human rights violations in Guatemala, attributed to members of the armed forces and security forces and to the so-called voluntary civil self-defence committees, whereas it cannot be affirmed that those violations are a consequence of an existing policy of the current Government systematically to violate human rights,

Concerned also by the fact that situations of impunity continue to exist and that, in cases of human rights violations, there has not been sufficient progress in the investigations and/or judicial proceedings,

Regretting the human rights violations, marginalization and centuries-old discrimination that have been suffered by the indigenous populations in Guatemala,

Regretting also that the process of the return of refugees and the resettlement of displaced persons has encountered serious problems, in particular the massacre in the community of "Aurora, 8 de octubre" in Xamán, municipality of Chisec, on 5 October 1995, which constitutes the most significant violation of the human rights of returnees in Guatemala, and recognizing the measures taken by the Government of Guatemala which resulted in the soldiers involved being brought to trial before the competent civil judge, the dismissal of the local detachment commander and the resignation of the Minister of Defence,

Considering that the economic and social situation continues to have serious consequences for the great majority of the population, particularly for the indigenous peoples of Guatemala and the most vulnerable sectors of Guatemalan society,

Taking note with great satisfaction of the historic Agreement on Identity and Rights of Indigenous Peoples, signed in Mexico City on 31 March 1995 between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG),

Recognizing with satisfaction the decision of the previous Government of Guatemala to suspend obligatory military service and to order the demobilization of the paramilitary officers (comisionados militares),

Recognizing the importance of the general elections which were held in November 1995 and January 1996, with the participation, for the first time since 1950, of sectors that had been traditionally marginalized from the political life of the country, and which led to the inauguration of a new Government on 14 January 1996, to the formation of a Congress and to the installation of new local governments which are more representative of the interests of the population, Encouraged by the fact that the new Government of Guatemala has given immediate attention to various problems related to violations of human rights and to impunity, as well as to continuity in the process of negotiation in an effort to establish a firm and lasting peace,

Equally encouraged by the fact that the Government of Guatemala and the URNG General Command have restarted the process of negotiation, with the intention of resolving the remaining substantive issues in the shortest possible time in order to end that process with the signing of a firm and lasting peace agreement within the current year,

Even more encouraged by the declaration of the URNG General Command, on 19 March 1996, on the temporary suspension of offensive military operations, attacks on garrisons, detachments and military installations and the deployment of troops on the roads, and by the corresponding declaration of the Government of Guatemala, on 20 March 1996, issuing instructions to the army of Guatemala to cease their counter-insurgent operations and undertake solely those activities prescribed by their constitutional mandate,

Recognizing the importance of the role played in these negotiations by the moderator appointed by the Secretary-General, of the participation of the Group of Friendly Countries composed of Colombia, Spain, the United States of America, Mexico, Norway and Venezuela, and of the valuable contributions of the Civil-Society Assembly, on the terms established in the Framework Agreement,

Also recognizing the positive role played by MINUGUA for the benefit of the peace process in carrying out its work of verifying the human rights situation and compliance with the Commitments of the Comprehensive Agreement on Human Rights,

Considering that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights to the Government and to non-governmental organizations, as well as technical and financial assistance for both, with the aim of promoting full respect for human rights and fundamental freedoms and supporting the efforts of the Government and people of Guatemala to that end,

1. Takes note with appreciation of the report of the independent expert and the conclusions and recommendations contained therein (E/CN.4/1996/15);

2. Expresses its gratitude to the Government of Guatemala for the facilities and cooperation afforded to the independent expert in the fulfilment of her mandate;

3. Takes note of the reports that MINUGUA has produced on the activities it has carried out in Guatemala since it began its work on 21 November 1994, thanking the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca for the cooperation they gave the Mission to assist it in the performance of its functions;

4. Recognizes the efforts made by the Government of Guatemala and encourages it to apply the necessary urgent measures to consolidate democratic institutions and to promote and protect human rights and fundamental freedoms, taking into account the recommendations of the independent expert and the contributions of MINUGUA;

5. Regrets that, notwithstanding these efforts, serious violations of human rights persist, particularly violations of the right to life and threats and intimidation against the physical integrity of individuals, attributed mainly to members of the armed forces and security forces and to the so-called voluntary civil self-defence committees;

6. Urges both parties, the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, to respect the applicable rules of international humanitarian law in the internal armed conflict and to refrain from any activities which might endanger the rights of Guatemalans, in particular of the persons specially protected by international humanitarian law, and which might affect the physical security of the civilian population and that of their property;

7. Exhorts the Government of Guatemala to continue to adopt and apply the necessary legal and political measures to strengthen the independence of the judiciary and respect for its members and its decisions, as well as the full application of the rule of law;

8. Also exhorts the Government of Guatemala to intensify investigations enabling all those responsible for violations of human rights to be identified and brought to justice, to provide compensation for the victims of such violations within a legal framework, to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and relatives of victims, and to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights;

9. Requests the Government of Guatemala, taking into account the recommendations made by the independent expert, to promote all relevant legislative reforms pertaining to military tribunals, so that violations of human rights committed by members of the armed forces of Guatemala are excluded from their jurisdiction;

10. Takes note with satisfaction of the initial actions of the Government of Guatemala designed to ensure that all authorities, including the armed forces and security forces, fully respect human rights and fundamental freedoms, and encourages it to continue strengthening the civilian authorities to ensure that those decisions are respected;

11. Exhorts the Government of Guatemala, within the framework of its general human rights policy, to continue to apply the independent expert's recommendations, in particular those relating to a police system answerable to the civilian authorities, and takes note of the declaration made by the Minister of Defence regarding respect for the freedom of the voluntary civil

self-defence committees to demobilize - as a means of demilitarizing society and contributing to the tranquillity of the population in the rural areas, within the framework of the peace accords;

12. Takes note that despite the legal and institutional reforms which the previous Government of Guatemala introduced in the system for the administration of justice in order to combat violence and impunity, these still persist, and encourages the new Government to pay particular attention to the legal standards and the content of the Agreement on Identity and Rights of Indigenous Peoples, in order to guarantee the rights and freedoms of all Guatemalans and, in particular, those of the members of the indigenous populations and of the most vulnerable sectors of society, and also takes note of the initial efforts and measures undertaken by the new Government to combat impunity;

13. Expresses its conviction that the pre-eminence of civilian authority in the national decision-making process is an indispensable condition for the consolidation of the rule of law and the full realization of human rights, and, in that respect, invites the Government to take into account the independent expert's recommendations to that end and requests it to continue to contribute towards broadening political participation for all political groups and all citizens;

14. Recognizes the positive work done in defence of human rights by the Human Rights Procurator, and exhorts the Government to give him support and to guarantee the conditions for the strengthening of his activities, inter alia through the adoption of legislative measures to enable him to participate in proceedings relating to human rights violations;

15. Exhorts the Government of Guatemala to adopt concrete measures against extreme poverty that will enable the population to attain better living standards, giving priority to economic and social development programmes, and calls on the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, in the framework of the negotiations on socio-economic aspects and the agrarian situation, bearing in mind the Agreement on Identity and Rights of Indigenous Peoples, to find a just solution to the demands of the Guatemalan people in general and the indigenous communities in particular, as expressed through the appropriate proposals of the Civil-Society Assembly and other sectors of the population;

16. Takes note of the continuation of the refugee repatriation process, urges the competent authorities to ensure that this process is accomplished with full consideration for the well-being and dignity of all affected persons, providing the necessary facilities for their prompt resettlement, and urges the parties concerned to comply strictly with the agreements reached on the subject since October 1992;

17. Urges the Government of Guatemala to continue to assist the civilian population displaced by the internal armed conflict and to facilitate its resettlement, on the basis of the recommendations of the Technical Commission provided for in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict;

18. Congratulates the Government and Congress of Guatemala on the ratification of International Labour Organization Convention No. 169 concerning indigenous and tribal peoples in independent countries, 1989, and invites the Government to consider ratifying as soon as possible the other international human rights instruments to which it is not yet a party;

19. Asks the Congress of the Republic to adopt at the earliest possible date the law regulating obligatory non-discriminatory military service, taking into account, *inter alia*, the proposals for voluntary civilian service;

20. Expresses its satisfaction at the implementation of the electoral process for the posts of President and Vice-President and for the Congress, the Central American Parliament and municipal governments, in which traditionally excluded sectors were able to participate, as well as at the inauguration of the new civilian Government, presided over by Mr. Alvaro Arzú, the installation of a Congress and the initiation of activities by local governments which are more representative of the interests of the people;

21. Also expresses its satisfaction at the signing of the Agreement on Identity and Rights of Indigenous Peoples on 31 March 1995, at the role played by MINUGUA in the country and at the resumption of negotiations between the new Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca;

22. Expresses its satisfaction to the Government of Guatemala and to the Unidad Revolucionaria Nacional Guatemalteca for the boost given to the negotiations which seek to achieve agreements on the pending items on the agenda, with the corresponding mechanisms for verification, and expresses confidence that the Unidad Revolucionaria Nacional Guatemalteca will maintain the suspension of offensive military action and that the army will maintain its suspension of counter-insurgency action and undertake solely those activities stipulated for it in the Constitution, in order to secure the signing of a firm and lasting peace agreement in the shortest possible time;

23. Commends the work of the moderator appointed by the Secretary-General, the efforts of the Group of Friendly Countries to advance the peace process in Guatemala and the valuable contributions of the Civil-Society Assembly;

24. Requests the Secretary-General to increase, within overall existing resources, advisory services in the field of human rights to the Government of Guatemala and to develop specific programmes with non-governmental organizations;

25. Also requests the Secretary-General to extend the mandate of the independent expert so that she may continue to examine the situation of human rights in Guatemala, taking into account the work of MINUGUA, provide assistance to the Government in the field of human rights, and submit to the Commission at its fifty-third session a report containing, among other items, an evaluation of the measures taken by the Government in accordance with the recommendations made to it;

26. Decides to consider at its fifty-third session the report of the independent expert on the situation of human rights in Guatemala in the question of assistance to Guatemala in the field of human rights.

53rd meeting
19 April 1996
[Adopted without a vote. See chap. XVII.]

1996/60. Question of fundamental trade union and workers' rights

The Commission on Human Rights,

Recalling that the Philadelphia Declaration of the General Conference of the International Labour Organization of May 1944, inter alia, reaffirms fundamental and universal tenets, including the freedom of expression and association, the right of collective bargaining, the principle of non-discrimination and adequate protection for the life and health of workers,

Recalling also that the Copenhagen Declaration and Programme of Action (A/CONF.166/9), adopted at the World Summit for Social Development, held in Copenhagen in March 1995, contains a commitment to safeguard the basic rights and interests of workers by promoting respect for the prohibition of forced and child labour, the freedom of association, the right to organize and bargain collectively, and the principle of non-discrimination as the means of achieving the goal of full employment, a basic priority of economic and social policies,

Recalling further that in the Beijing Declaration and Platform for Action (A/CONF.177/23) the Fourth World Conference on Women: Action for Equality, Development and Peace called on Governments to promote women's economic rights and independence, including access to employment, appropriate working conditions and control over economic resources, to facilitate women's equal access to resources, employment, markets and trade, and to eliminate occupational segregation and all forms of employment discrimination,

Noting that the World Conference on Human Rights supported all measures by the United Nations and its relevant specialized agencies to ensure the effective promotion and protection of workers' rights, and called on all States to abide fully by their obligations in this regard contained in international instruments,

Recalling that the Universal Declaration of Human Rights proclaims that everyone, without discrimination, has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, as well as the right to form and to join trade unions for the protection of his interests,

Recalling also its resolutions 1990/16 of 23 February 1990, 1992/12 of 21 February 1992 and 1994/63 of 4 March 1994, in which it expressed deep concern that in many countries persons exercising their basic workers' and trade union rights were subject to serious violations of their fundamental human rights, including their right to life, and appealed to States to ensure the conditions for the free and full exercise of those basic workers' and trade union rights,

Regretting that serious violations of basic workers' and trade union rights have continued since then in many countries, in some of which those rights have not been, as of today, legally recognized,

1. Appeals to States to ensure that conditions are such that all persons under their jurisdiction can exercise their rights of freedom of association, to organize and join free and independent trade unions, and to bargain collectively, within the framework of national legislation that is consistent with the principles of the Universal Declaration of Human Rights and International Labour Organization conventions;

2. Calls upon States to consider adopting measures to ensure that all persons have the right to equal pay for equal work, without discrimination of any kind, such as race, colour, sex, language, ethnicity or religion;

3. Also calls upon States to consider taking the necessary initiatives to secure, if need be, that the right to work is recognized by their national/federal legislation as a human right and to take all possible steps to secure in practice the realization of that right;

4. Welcomes the legislative and administrative steps taken by States to promote and protect the rights of workers, eliminate forced child labour, eradicate exploitative child labour and address the issue of child labour through education, social support and alternative income-generating activities, and calls upon States that have not yet done so to take such measures;

5. Calls upon the international community, relevant international institutions and States Members of the United Nations to assist and cooperate with countries which have undertaken programmes to promote and protect the rights of workers and the elimination of child labour;

6. Urges States to remove all forms of discrimination in the workplace and to develop provisions for healthy and safe workplaces;

7. Invites States to involve trade union organizations in the process of popular participation and as part of the consultative process for formulating government policy that affects their economic and social interests;

8. Invites States to promote the spirit of International Labour Organization tripartitism in the formulation and implementation of government policy, in particular labour issues;

9. Requests all States periodically to examine the possibility of ratifying the international labour covenants adopted by the International Labour Organization, *inter alia* in the fields of trade union freedom of association, length of the workday, labour safety and hygiene, and social security.

58th meeting
23 April 1996
[Adopted without a vote. See chap. V.]

1996/61. Contemporary forms of slavery

The Commission on Human Rights,

Gravely concerned at modern manifestations of slavery, the slave trade and slavery-like practices,

Recalling the provisions of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which provide that no one shall be held in slavery or servitude,

Recalling its resolutions on the reports of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1995/27 of 3 March 1995,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twentieth session (E/CN.4/Sub.2/1995/28 and Add.1), submitted to the Sub-Commission at its forty-seventh session,

Recalling its resolution 1992/36 of 28 February 1992, in which the Commission endorsed the views expressed by the Sub-Commission in its resolution 1991/37 of 29 August 1991 on it being desirable to launch a concerted programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others,

Taking into consideration the recommendation of the Sub-Commission that the Commission adopt the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1),

Taking note of the invitation of the Sub-Commission to the Special Rapporteur on the sale of children, child prostitution and child pornography to participate in the twenty-first session of the Working Group, Taking note also of the recommendation of the Sub-Commission that the Commission designate an expert to investigate and prepare a study on allegations regarding the removal of organs and tissues of children and adults for commercial purposes,

Noting with concern that, since its establishment by the General Assembly in its resolution 46/122 of 17 December 1991, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, as a result of its continuing difficult financial situation owing to a lack of contributions, could not be used for the purposes for which it was established,

Taking note of the grave concern expressed by the Board of Trustees of the Fund at the financial situation of the Fund,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its twentieth session in implementing its programme of work, and for its flexible methods of work;

2. Expresses its grave concern at manifestations of contemporary forms of slavery as reported to the Working Group;

3. Invites the Sub-Commission to continue considering the strengthening of its involvement in the activities of the Working Group;

4. Requests the Secretary-General to invite those eligible States that have not ratified or acceded to the conventions on slavery to consider doing so as soon as possible;

5. Invites intergovernmental organizations, relevant organizations of the United Nations system, as well as the International Criminal Police Organization and non-governmental organizations concerned, to supply relevant information to the Working Group;

6. Appeals to Governments and relevant intergovernmental and non-governmental organizations to send representatives to the sessions of the Working Group;

7. Recommends that the supervisory bodies of the International Labour Organization give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery;

8. Encourages Governments to consider, in the context of the Programme of Action on the Elimination of the Exploitation of Child Labour and Debt Bondage, the adoption of measures and regulations to protect child labourers and to ensure that their labour is not exploited;

9. Invites the Special Rapporteur on the sale of children to examine ways and means of cooperating with the Working Group and, in particular, to consider accepting the invitation of the Sub-Commission to participate in the twenty-first session of the Working Group;

10. Invites all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve this objective;

11. Requests Governments to pursue a policy of information, prevention and rehabilitation of children and women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect;

12. Approves the draft programme of action for the prevention of the traffic in persons and the exploitation of the prostitution of others (E/CN.4/Sub.2/1995/28/Add.1) while taking note of differences between States in the scope of applicability of their criminal legislation with regard to, inter alia, prostitution and the production, distribution and possession of pornographic material;

13. Requests the Secretary-General to examine, in cooperation with relevant United Nations agencies, in particular the World Health Organization, as well as the International Criminal Police Organization and all relevant non-governmental organizations, the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes in order to enable the Commission at its fifty-third session to decide upon possible follow-up in this matter, taking into account the recommendation of the Sub-Commission in this regard;

14. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations system for the suppression of contemporary forms of slavery and to give effect to his decision to reassign to the Working Group a Professional staff member of the Centre for Human Rights to work on a permanent basis to ensure continuity and close coordination within and outside the Centre on issues relating to contemporary forms of slavery;

15. Requests the Secretary-General to transmit once again to all Governments the appeal of the Commission on Human Rights for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;

16. Commends the Board of Trustees of the Trust Fund for its efforts to remedy the continuing difficult financial situation of the Fund, which is due to a lack of contributions;

17. Invites the Secretary-General to examine the feasibility of alignment and harmonization of the procedures and support mechanisms of the Trust Fund with other existing procedures and mechanisms and to report on this matter to the Commission at its fifty-third session.

58th meeting
23 April 1996
[Adopted without a vote. See chap. XV.]

1996/62. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Taking into account the International Convention against the Taking of Hostages adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community,

Taking into consideration the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, which prohibit the taking of hostages in time of armed conflict,

Recalling the previous resolutions of the Commission on Human Rights on the subject, including the latest, resolution 1992/23 of 28 February 1992, in which it condemned the taking of any person as hostage,

Bearing in mind the pertinent Security Council resolutions condemning all cases of hostage-taking,

Deeply concerned that, despite the efforts of the international community, acts of hostage-taking, in different forms and manifestations, including, inter alia, those committed by terrorists and armed groups, have increased in many regions of the world,

Especially alarmed at the taking hostage of women and children, expressing its distress at the violence committed against innocent victims, and sharing the anxiety and suffering of the families concerned,

Expressing its outrage at the continuing manifestations of brutality and violence in connection with hostage-taking, including the killing of innocent people and their use as human shields,

Appealing for the humanitarian action of the International Committee of the Red Cross and its delegates to be respected and facilitated in all relevant circumstances,

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. Emphasizes that the taking of hostages, wherever and by whomever committed, constitutes a serious obstacle to the full enjoyment of all human rights and is, under any circumstances, unjustifiable;

2. Demands that all hostages be released immediately and without any preconditions;

3. Calls upon States to take all necessary measures, in accordance with relevant provisions of international law and international standards of human rights, to prevent, combat and punish acts of hostage-taking, including strengthening international cooperation in this field;

4. Invites relevant non-governmental organizations to bear in mind, where appropriate, the problem of hostage-taking in their deliberations;

5. Urges all thematic special rapporteurs and working groups to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission;

6. Decides to consider this question at its fifty-fourth session under the same agenda item.

58th meeting
23 April 1996
[Adopted without a vote. See chap. VIII.]

1996/63. Protection of the heritage of indigenous people

The Commission on Human Rights,

Taking note with approval of resolution 1995/40 of 25 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends to the Economic and Social Council the following draft resolution for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

58th meeting
23 April 1996
[Adopted without a vote. See chap. XXIII.]

1996/64. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling that the General Assembly, in its resolutions 41/153 of 4 December 1986, 43/140 of 8 December 1988 and 45/168 of 18 December 1990, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region, Recalling also its own resolutions 1988/73 of 10 March 1988, 1989/50 of 7 March 1989, 1990/71 of 7 March 1990, 1991/28 of 5 March 1991, 1992/40 of 28 February 1992, 1993/57 of 9 March 1993, 1994/48 of 4 March 1994 and 1995/48 of 3 March 1995,

Recalling further that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action (A/CONF.157/23), emphasized that regional arrangements played a fundamental role in promoting and protecting human rights,

Recalling resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Welcoming the holding of the Colloquium on Human Rights in Manila on 16 and 17 January 1994, the first in a series of workshops to be organized by the Institute of Strategic and International Studies of the Association of South-East Asian Nations, intended, inter alia, to facilitate the process of developing a subregional human rights body for the protection and promotion of human rights in countries of the Association of South-East Asian Nations, in fulfilment of the decision of the Association to consider the establishment of an appropriate mechanism on human rights,

Recognizing the valuable contribution that independent national institutions can make in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations involved in the field of human rights have an important role to play in this process,

Welcoming the contribution to the development of regional human rights arrangements made by the fourth workshop on regional human rights arrangements in the Asian and Pacific region held in Kathmandu from 26 to 28 February 1996, particularly the workshop's conclusions,

Reiterating that such workshops should be organized regularly, and if possible annually as proposed by the Government of the Republic of Korea and endorsed by the Commission in its resolution 1995/48,

Mindful that the agreements reached at the fourth workshop were built upon the accomplishments of previous workshops,

1. Welcomes the report of the Secretary-General (E/CN.4/1996/46/Add.1) and the progress achieved in the implementation of Commission on Human Rights resolution 1995/48 of 3 March 1995;

2. Welcomes also the regional workshops on various human rights issues which have been held in the Asian and Pacific region, including the workshop held in Manila from 7 to 11 May 1990, the workshop held in Jakarta from 26 to 28 January 1993, the workshop held in Seoul from 18 to 20 July 1994 and the workshop held in Kathmandu from 26 to 28 February 1996;

3. Reaffirms that all human rights are universal, indivisible and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. Also reaffirms that regional arrangements play a fundamental role in promoting and protecting human rights and that they should reinforce universal human rights standards, as contained in international human rights instruments, and their protection;

5. Takes into account the Bangkok Declaration wherein it is recognized that while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds;

6. Takes note of the conclusions of the fourth workshop, which stated, inter alia, that while the experience of other regions would continue to be carefully examined, it was clear that any regional arrangements for the Asian and Pacific region would need to be based on the needs, priorities and conditions prevailing in the region;

7. Endorses the conclusions of the fourth workshop, including the recognition of the importance of a step-by-step process towards the establishment of a regional arrangement for the promotion and protection of human rights in the Asian and Pacific region;

8. Welcomes the participation for the first time of delegations from West Asia in the fourth workshop, and recognizes the need to ensure that the issues, concerns and priorities of West Asia be effectively addressed in future workshops;

9. Affirms that the establishment of national institutions constitutes one of the most important building-blocks necessary for the ongoing process of developing regional human rights arrangements in the Asian and Pacific region which includes the possible establishment of subregional human rights arrangements, cooperation on issues such as education and information-sharing, the development of national action plans on human rights and the ratification of human rights instruments;

10. Notes the contribution of representatives of non-governmental organizations and national human rights institutions in these workshops;

11. Also notes that the Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions;

12. Requests the Secretary-General to facilitate the realization of that activity under the regular budget of the United Nations for the programme of advisory services and technical assistance in the field of human rights;

13. Encourages all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights, taking into consideration the conclusions of the fourth workshop;

14. Appeals to all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical assistance for the promotion and protection of human rights, to organize information and/or training courses at the national or regional level for appropriate government personnel on the application of international human rights standards and the experience of relevant national and international organs;

15. Requests the Secretary-General to give adequate attention to the countries in the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical assistance in the field of human rights;

16. Encourages all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depositary centre of the Commission, and requests the Secretary-General to maintain a continuing flow of human rights material to its library;

17. Welcomes the establishment of national commissions for human rights by the Governments of India, Indonesia and the Islamic Republic of Iran;

18. Also welcomes the decisions concerning and the preparatory steps taken towards the establishment of national institutions for the promotion and protection of human rights by the Governments of Mongolia, Nepal, Pakistan, Papua New Guinea, Sri Lanka and Thailand;

19. Requests the Secretary-General, in accordance with the conclusions of the fourth workshop, to establish an open-ended team comprised of representatives of interested Governments of the region and the Centre for Human Rights, which could consult with non-governmental organizations and national institutions to ensure the effective preparation of the next workshop and to facilitate the development of regional arrangements;

20. Calls upon the Centre for Human Rights to provide specific information on programmes available under the Voluntary Fund for Technical Cooperation in the Field of Human Rights, to facilitate better access and fuller utilization of these programmes by all countries in the Asian and Pacific region;

21. Encourages States in the Asian and Pacific region to request assistance for such purposes as regional and subregional workshops, seminars

and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights to assist in the development of *regional arrangements;*

22. Also encourages all States in the Asian and Pacific region to consider ratifying and acceding to international human rights instruments adopted within the framework of the United Nations system, with the aim of universal acceptance;

23. Further encourages all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

24. Requests the Secretary-General to submit to the Commission at its fifty-third session a further report incorporating information on the progress achieved in the implementation of the present resolution;

25. Decides to continue its consideration of the question at its fifty-third session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

58th meeting
23 April 1996
[Adopted without a vote. See chap. IX.]

1996/65. Composition of the staff of the Centre for Human Rights

The Commission on Human Rights,

Recalling that in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission on Human Rights reaffirmed that the paramount consideration in the employment of staff at every level was the need for the highest standards of efficiency, competence and integrity, and that it was convinced that that was compatible with the principle of equitable geographical distribution, and bearing in mind Article 101, paragraph 3 of the Charter of the United Nations,

Recalling also Part II, paragraphs 11 and 17 of the Vienna Declaration and Programme of Action (A/CONF.157/23)in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide the sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, and at the same time recognized the necessity for an adaptation of the United Nations human rights machinery in accordance with its real needs,

Taking into account the need to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries and in this regard to improve the current composition of the staff of the Centre on the basis of a more equitable geographical distribution,

Reaffirming its resolution 1995/61 of 7 March 1995, Taking note of the note by the Secretary-General on the geographical composition and functions of the staff of the Centre for Human Rights (A/50/682) submitted to the General Assembly pursuant to Commission resolution 1995/61,

Taking note with appreciation of the report of the Office of Internal Oversight Services on the programme and administrative practices of the Centre for Human Rights (A/49/892, annex) in which the Office recognized the necessity of restructuring the secretariat of the Centre,

Expressing its concern once again at the underrepresentation of the developing countries on the staff of the Centre for Human Rights, in particular taking into account the criteria of equitable geographical distribution,

1. Reaffirms that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for the recruitment of the staff of the Organization, in particular taking into account the criteria of equitable geographical distribution;

2. Considers that it is necessary, within the ongoing process of the restructuring of the Centre for Human Rights, to take urgent, concrete and immediate steps to change the prevailing distribution of posts of the staff of the Centre for Human Rights in favour of an equitable geographical distribution of those posts in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts;

3. Requests the Secretary-General to adopt the necessary measures to pay particular attention to the recruitment for the Centre for Human Rights of personnel from developing countries, for the existing vacancies as well as for additional ones, to ensure equitable geographical distribution, giving priority in particular in this regard to recruitment to high-level and Professional posts and to the recruitment of women;

4. Requests once again the Secretary-General, in signing agreements with countries as a result of which junior professional officers are provided to the Centre for Human Rights, to urge those countries to ensure additional financial resources to guarantee that personnel from developing countries are able to work as junior professional officers, with a view to conforming to the principle of equitable geographical distribution and, in this regard, to establish a permanent mechanism by virtue of which, for each junior professional officer from a donor country joining the Centre, another junior professional officer from a developing country would also join the Centre;

5. Urges the Secretary-General to submit a comprehensive report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session on the implementation of the present resolution, including measures adopted and their results, and recommendations for improving the present situation;

6. Decides to consider this matter under the same agenda item at its fifty-third session.

58th meeting
23 April 1996
[Adopted by a roll-call vote of 33 votes to 16, with 4 abstentions. See chap. IX.]

1996/66. Situation of human rights in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1995/71 of 8 March 1995,

Guided by the principles embodied in the Charter of the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights,

Reaffirming that all States have the obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Bearing in mind that, since the adoption by the Economic and Social Council of its decision 1993/277 of 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has received the advisory services of the Special Rapporteur and the Centre for Human Rights, while some progress has been observed in the human rights situation,

Taking note of the fact that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, as well as the Convention on the Elimination of All Forms of Discrimination against Women,

Mindful that it is essential that all the political tendencies and political parties should play an active part in political and social life in order to ensure effective transition to a democratic and pluralist society,

Taking note of the holding of the first multi-party legislative elections in 1993, the first multi-party municipal elections in 1995 and the first multi-candidate presidential election in February 1996,

Taking note with satisfaction of the fact that, in August 1995, the Government of Equatorial Guinea took steps to grant pardon and amnesty to a number of prisoners, as requested by the Special Rapporteur on his visit to Equatorial Guinea on 3 May 1995,

Taking note of the report of the Special Rapporteur (E/CN.4/1996/67 and Add.1), Aware that it is essential to ensure full observance of human rights and fundamental freedoms in Equatorial Guinea,

1. Expresses its thanks to the Special Rapporteur for his report;

2. Calls upon the Government of Equatorial Guinea to take all necessary measures to promote the harmonious coexistence of all the ethnic groups making up the society of Equatorial Guinea;

3. Notes with interest that the democratic transition process in Equatorial Guinea has so far led to the holding of the first multi-party legislative elections in 1993, the first multi-party municipal elections in 1995 and the first multi-candidate presidential election in February 1996;

4. Expresses its deep concern at the fact that the presidential election of 25 February 1996 did not guarantee transparency and did not allow the proper participation of all the political forces;

5. Encourages the Government of Equatorial Guinea to continue the dialogue with all the political forces with a view to ensuring progress in the democratization of the country;

6. Invites the Government of Equatorial Guinea to continue the reform of the electoral legislation in conformity with the recommendations of the United Nations electoral adviser and those of the Special Rapporteur contained in his report;

7. Also encourages the Government of Equatorial Guinea to ensure the participation of all citizens in the country's political, social and cultural life;

8. Calls upon the Government of Equatorial Guinea to continue improving the conditions of prisoners and detainees;

9. Encourages the Government of Equatorial Guinea to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination;

10. Calls upon the Government of Equatorial Guinea to continue to take the measures necessary to ensure that the police and security forces and other officials vested with authority put a stop to the violation of human rights;

11. Invites the Government of Equatorial Guinea to ensure that perpetrators of human rights violations are brought to justice, in order to put a stop to impunity and arbitrary arrest and detention, which are sometimes accompanied by torture and other cruel, inhuman or degrading treatment or punishment;

12. Encourages the Government of Equatorial Guinea to continue taking the measures necessary to improve the situation of women in that country;

13. _Also encourages_ the Government of Equatorial Guinea to continue its efforts to improve the functioning of the administration of justice and to guarantee the independence and impartiality of judges and magistrates;

14. _Urges_ the Government of Equatorial Guinea to draw up and implement the National Plan for the United Nations Decade for Human Rights Education, 1995-2004;

15. _Requests_ the Secretary-General to continue to provide the Government of Equatorial Guinea with the technical assistance and advisory services necessary to implement the recommendations contained in the Special Rapporteur's report;

16. _Decides_ to renew the mandate of the Special Rapporteur for one year;

17. _Requests_ the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate;

18. _Requests_ the Special Rapporteur to report to the Commission at its fifty-third session;

19. _Decides_ to consider the question at its fifty-third session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

58th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/67. _Situation of human rights in Togo_

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights,

Recalling its resolution 1995/52 of 3 March 1995,

Taking account of the progress achieved in the area of human rights and national reconciliation,

Noting with satisfaction the signing, on 23 March 1996, of an agreement between the United Nations and the Government of Togo on a human rights technical assistance programme,

1. _Takes note with interest_ of the report of the Secretary-General (E/CN.4/1996/89);

2. Strongly urges the Togolese Government to continue its efforts aimed at the strengthening of human rights and the consolidation of democracy and the rule of law;

3. Invites the Togolese Government and the Centre for Human Rights to do everything possible to ensure the proper execution of the technical assistance programme provided for under the agreement of 23 March 1996;

4. Decides to terminate consideration of this question.

58th meeting
23 April 1996
[Adopted without a vote. See chap. XVII.]

1996/68. Human rights situation in southern Lebanon and West Bekaa

The Commission on Human Rights,

Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon and West Bekaa, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 and the IVth Hague Convention of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Censuring the repeated Israeli aggressions in southern Lebanon and West Bekaa, which have caused a large number of deaths and injuries among civilians and the destruction of many dwellings and public buildings,

Reaffirming that the continued occupation and practices of the Israeli forces constitute a violation of the relevant resolutions of the Security Council as well as of the will of the international community and the conventions in force on this matter,

Hoping that the efforts made in order to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the occupied zone in southern Lebanon and West Bekaa and that the peace negotiations will continue with a view to reaching a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the persistent detention by Israel of many Lebanese citizens in the detention centres of Khiyam and Marjayoun, and at the death of some of these detainees as a result of ill-treatment and torture, Reaffirming its resolution 1995/67 of 7 March 1995, and expressing its deep regret at the failure of Israel to implement this resolution,

1. Deplores the continued Israeli violations of human rights in the occupied zone in southern Lebanon and West Bekaa, demonstrated in particular by the abduction and arbitrary detention of civilians, the destruction of their dwellings, the confiscation of their property, their expulsion from their land, the bombing of peaceful villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices, consisting in air raids and the use of prohibited weapons such as fragmentation bombs, and to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982 requiring Israel's immediate, total and unconditional withdrawal from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to comply with the Geneva Conventions of 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to release immediately all the Lebanese who have been abducted and imprisoned and other persons detained in prisons and detention centres in the occupied territories in Lebanon in violation of all the Geneva Conventions and international law;

5. Affirms the obligation for Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to commit itself to allowing the International Committee of the Red Cross and other international humanitarian organizations operating in the region to periodically visit the detention centres of Khiyam and Marjayoun and to verify the sanitary and humanitarian conditions of the detainees and, in particular, the circumstances which led to the death of some of them as a result of ill-treatment and torture;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session on the results of his efforts in this regard;

7. Decides to continue its consideration of the human rights situation in southern Lebanon and West Bekaa at its fifty-third session.

59th meeting
23 April 1996
[Adopted by a roll-call vote of 50 votes to 1, with 2 abstentions. See chap. X.]

1996/69. Human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1995/66 of 7 March 1995 regarding the extension of the mandate of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also General Assembly resolution 50/198 of 22 December 1995 regarding the situation of human rights in Cuba,

Recognizing with deep appreciation the efforts of the Special Rapporteur to carry out the mandate concerning the situation of human rights in Cuba,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Noting with deep regret the continued failure of the Government of Cuba to cooperate with the Special Rapporteur and its refusal to permit him to visit Cuba in order to fulfil his mandate,

Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur (E/CN.4/1996/60),

Deeply concerned at information in the report of the Special Rapporteur on arbitrary arrests, beatings, imprisonment, harassment and threats, including loss of employment, against human rights defenders and others who are engaged in the peaceful exercise of their rights,

Profoundly concerned at continued violations in Cuba of fundamental human rights and freedoms enumerated in the Universal Declaration of Human Rights, such as freedoms of thought, conscience and religion, opinion and expression, assembly and association, and rights associated with the administration of justice,

Deploring, in this regard, the detention and harassment of approximately 100 members of the pro-democracy organization Concilio Cubano and the fact they have been prevented from convening freely and expressing their convictions,

Dismayed by the loss of human life and disregard for human rights norms shown by the Government of Cuba in shooting down two unarmed civilian aircraft on 24 February 1996,

Welcoming the authorization granted to a delegation comprising representatives of four international human rights organizations to visit Cuba, and encouraging the Government of Cuba to grant further access to such organizations, Welcoming also the ratification by the Government of Cuba of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. Takes note with appreciation of the report of the Special Rapporteur;

2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. Regrets profoundly the numerous reports of violations of human rights and fundamental freedoms that are described in the report of the Special Rapporteur, and expresses particular concern at prevailing intolerance for freedom of speech and assembly in Cuba;

5. Calls upon the Government of Cuba to carry out the recommendations contained in the report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms into conformity with international law and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to the prisons by non-governmental humanitarian organizations and international humanitarian agencies;

6. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

7. Extends the mandate of the Special Rapporteur for one year;

8. Requests the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

9. Recommends that the existing mechanisms of the Commission on Human Rights, in particular the Working Group on Arbitrary Detention, in the discharge of its mandate, continue giving attention to the situation in Cuba and visit Cuba in accordance with the discussions of the United Nations High Commissioner for Human Rights with the Government of Cuba;

10. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission to cooperate fully and exchange information and findings on the situation of human rights in Cuba;

11. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

12. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-first session and to report to the Commission at its fifty-third session on the results of his endeavours pursuant to the present resolution.

59th meeting
23 April 1996
[Adopted by a roll-call vote of 20 votes to 5,
with 28 abstentions. See chap. X.]

1996/70. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991, 1992/59 of 3 March 1992, 1993/64 of 10 March 1993, 1994/70 of 9 March 1994 and 1995/75 of 8 March 1995, and taking note of the report of the Secretary-General on the question (E/CN.4/1996/57),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-third session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in paragraph 1 above;

7. Decides to consider the question again at its fifty-third session.

59th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/71. Situation of human rights in the Republic of Bosnia and Herzegovina, the state of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and all other relevant instruments relating to human rights and international humanitarian law,

Reaffirming all relevant resolutions of the Commission, the General Assembly and the Security Council on this subject, in particular its own resolutions 1992/S-1/1 of 14 August 1992, 1995/35 of 3 March 1995 and 1995/89 of 8 March 1995, especially its paragraph 3, General Assembly resolutions 50/190 and 50/193 of 22 December 1995 and Security Council resolutions 1031 (1995) of 15 December 1995 and 1035 (1995) of 21 December 1995, Convinced that a full and objective account of violations of human rights will contribute to building confidence among the parties, thus promoting reconciliation and democratization,

Stressing the importance of the promotion and protection of all human rights and fundamental freedoms,

Recognizing the important work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to Security Council resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

Recognizing also that, while individuals of all parties to the conflict have committed atrocities, a considerable number of Bosnian Serbs, including in the military and civilian leadership, and among combatants at all levels, are responsible for the preponderance of violations of human rights and international humanitarian law since the beginning of the conflict,

Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina (the "Framework Agreement") and the annexes thereto, initialled in Dayton, Ohio, United States of America, on 21 November 1995 and signed in Paris on 14 December 1995 (together, the "peace agreement") (A/50/790-S/1995/999) and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995 (S/1995/951, annex) and for Security Council resolution 1037 (1996) of 15 January 1996, which establishes the United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Slavonia,

Convinced that the successful functioning of the mechanisms established in accordance with annex 6 to the peace agreement, in particular the Commission on Human Rights for Bosnia and Herzegovina and its two components, the Human Rights Chamber and the Office of the Ombudsman, which constitute central elements for the protection of human rights, will help to build the foundations for a democratic, multi-ethnic society in the state of Bosnia and Herzegovina,

Expressing its support for the efforts of the Organization for Security and Cooperation in Europe mission to monitor and strengthen respect for human rights and fundamental freedoms in the state of Bosnia and Herzegovina, to establish a climate of dialogue and confidence between its peoples and to contribute to an environment conducive to the conduct of free and fair elections,

Dismayed by the huge number of missing persons, many of whom may be buried in mass graves, as a consequence of the continuing practice of ethnic cleansing and of the armed conflict in the territory of the former Yugoslavia, particularly in the state of Bosnia and Herzegovina and the Republic of Croatia, Welcoming the report of the expert member of the Working Group on Enforced or Involuntary Disappearances on the special process on missing persons in the territory of the former Yugoslavia (E/CN.4/1996/36), as well as the establishment of the Expert Group on Exhumation and Missing Persons chaired by the Office of the High Representative,

Commending the positive efforts undertaken by the International Committee of the Red Cross to re-establish links among relatives separated by the conflict and to trace persons unaccounted for and to inform their families accordingly,

Commending also the United Nations High Commissioner for Refugees for her action in support of the humanitarian operation during the period of conflict and her activities in the implementation of annex 7 to the peace agreement,

Reaffirming the vital importance of freedom of movement and the right of return for all persons, and noting the commitments made in the peace agreement (annex 7) that persons have the right to return to their homes in safety and dignity, and have their property restored or receive compensation for property that cannot be restored to them,

Encouraging the international community, acting through the United Nations, the Organization for Security and Cooperation in Europe, the International Committee of the Red Cross and other international organizations as well as bilaterally, to continue humanitarian support for the people of these countries to ensure that lasting solutions are found for displaced persons and refugees through a process of early, peaceful, orderly and phased return and to give close attention to the protection of human rights in the repatriation of refugees and the return of displaced persons to their homes of origin, paying special attention to the situation of returning women and children,

Welcoming the agreement by the parties to the peace agreement to ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment, the protection of the right to vote in secret without fear or intimidation, freedom of expression and of the media and freedom of association,

Underlining the relationship between the fulfilment by the parties of their human rights commitments and the readiness of the international community to commit resources for reconstruction and development,

Gravely concerned at reports by the Special Rapporteur and the Secretary-General, of grave and massive violations of international humanitarian law and of human rights, in particular, in and around Srebrenica and Zepa and in the areas of Banja Luka and Sanski Most, including reports of mass murder, unlawful detention and forced labour, rape and expulsion of civilians,

Deeply concerned by the information contained in the reports of the Secretary-General on rape and abuse of women in the areas of armed conflict in the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina (A/48/858 and A/50/329), Expressing its particular concern for the situation of children and the elderly as well as other vulnerable groups in these countries,

Stressing that effective cooperation of the Governments of the state of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), with the assistance of parties and organizations in a position to help, in resolving the problem of missing persons represents a critical test of their commitment to the peace process and restoration of confidence in the region,

Deeply concerned as well at the situation of human rights throughout the Federal Republic of Yugoslavia (Serbia and Montenegro), particularly in Kosovo, but also in Sandjak and in Vojvodina,

Expressing its concern also at the situation of human rights in the Republic of Croatia, in particular in the former United Nations Sectors South and North, Eastern Slavonia, Baranja and Western Sirmium, and in this context welcoming the statement on the Republic of Croatia by the President of the Security Council on 23 February 1996 (S/PRST/1996/8),

Emphasizing the important role that religious leaders and organizations should have in bringing about reconciliation, and encouraging the parties to find ways to rebuild places of worship and cultural sites destroyed during the conflict, especially in the state of Bosnia and Herzegovina as well as in the Republic of Croatia,

Underlining the necessity for all the actors in the field of human rights to coordinate their efforts,

I

Violations of human rights

1. Condemns in the strongest terms all violations of human rights and international humanitarian law during the conflict, in particular in areas which were under the control of the self-proclaimed Bosnian and Croatian Serb authorities, in particular massive and systematic violations, including, inter alia, systematic ethnic cleansing, killings, disappearances, torture, rape, detentions, beatings, arbitrary searches, burning and looting of houses, shelling of residential areas, illegal and forcible evictions and other acts of violence aimed at forcing individuals from their homes, and reaffirms that all persons who plan, commit or authorize such acts will be held personally responsible and accountable;

2. Expresses its outrage that the abominable, deliberate and systematic practice of rape has been used as a weapon of war in the Republic of Bosnia and Herzegovina, recognizes that rape in this context constitutes a war crime, and calls for protection and care of rape victims, respect for the special needs of victims of sexual violence in the investigation and prosecution of alleged violations, and punishment of those responsible;

3. Expresses its concern over continuing human rights violations within the state of Bosnia and Herzegovina and delays in fully implementing the human rights provisions of the peace agreement, including:

(a) Continuing restrictions on freedom of movement both within the Republika Srpska, within the Federation and between the Republika Srpska and the Federation;

(b) Actions that undermine the principle of right to return, including enforcement of legislation which restricts rights to claim "socially owned" property throughout the state of Bosnia and Herzegovina, unjustified evictions of persons from their homes and resettlement of displaced persons in homes which, under the agreement reached in Geneva on 18 March 1996, should remain vacant for six months;

(c) Continuing unauthorized arrests by all parties of persons suspected of serious violations of international humanitarian law, despite the parties' agreement in Rome on 18 February 1996 that such arrests would be made only after the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 had reviewed and approved orders of arrest as consistent with international legal standards;

II

International Tribunal

4. Supports fully the efforts of the International Tribunal aimed at the prosecution and trial of persons accused of having committed serious violations of international humanitarian law in the territory of the former Yugoslavia since 1991, and requests States, as a matter of urgency, to continue to make available to the Tribunal adequate resources to aid in the fulfilment of its mandate;

5. Demands that all States and parties to the peace agreement meet their obligations to cooperate fully with the Tribunal, as required by Security Council resolution 827 (1993) of 25 May 1993, including with respect to surrendering persons sought by the Tribunal;

6. Expresses its outrage over the failure of parties to arrest and surrender persons indicted by the Tribunal in violation of the peace agreement, demands that all States arrest, detain and facilitate the transfer of such persons to the custody of the Tribunal and ensure adequate protection of witnesses who have appeared before the Tribunal, and urges the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and authorities in the Republika Srpska to allow the establishment of offices of the Tribunal in their territories;

III

Framework Agreement

7. Emphasizes that the Framework Agreement and the annexes thereto commit the parties to secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, including the right to life, liberty and security of person;

8. Expects the parties to ensure that the constitutional court, the Commission on Human Rights for Bosnia and Herzegovina and its two parts, the Office of the Ombudsman and the Human Rights Chamber, are fully supported and their decisions respected;

9. Also expects the parties to cooperate fully with the international mechanisms that have mandates involving human rights, including the High Representative, the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe and other international, regional as well as non-governmental organizations;

10. Commends the United Nations High Commissioner for Human Rights for his activities in the implementation of the peace agreement, in particular by developing and conducting training for international monitors, including for the missions of the Organization for Security and Cooperation in Europe and the International Police Task Force, and making available to the High Representative human rights experts, and for continuing to support the work of the Special Rapporteur and the expert in charge of the special process dealing with missing persons, and calls upon all States to provide the High Commissioner with the necessary resources;

11. Urges all organizations involved in human rights monitoring, including the Organization for Security and Cooperation in Europe and the International Police Task Force, to ensure that persons with expertise in investigating and working with victims of sexual assault are included among the human rights monitors, and encourages the High Representative to support these efforts in his coordinating role;

12. Acknowledges the release of prisoners, insists that all parties continue to fulfil their commitments in conformity with the peace agreement to release without delay all civilians and combatants detained in relation to the conflict, and demands that the parties cooperate fully with the International Committee of the Red Cross in this regard;

13. Recalls the relationship, as described at the London Conference, between the fulfilment by the parties of their commitments in the peace agreement and the readiness of the international community to commit resources for reconstruction and development;

14. Insists that the parties, in conformity with the peace agreement (annex 7, art. 5), provide information through the tracing mechanisms of the International Committee of the Red Cross on all persons unaccounted for;

IV

Building for the future

15. Stresses that primary responsibility for the promotion of free, fair and democratic elections, to be held under the auspices of the Organization for Security and Cooperation in Europe and other international organizations, for laying the foundation for representative government and for ensuring the progressive achievement of democratic goals and the building of a tolerant, multi-ethnic society lies with the people of the State of Bosnia and Herzegovina, in particular through the central Government and the governments of the entities as well as through, inter alia, religious communities, humanitarian organizations and non-governmental organizations;

16. Insists that the parties abide by their commitments to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the press, to allow and encourage freedom of association, including with respect to political parties, and to ensure freedom of movement;

17. Appeals to the international community to support such efforts and, in particular, the promotion of democratic institutions in the Federal Republic of Yugoslavia (Serbia and Montenegro), the state of Bosnia and Herzegovina and the Republic of Croatia, inter alia by improving the administration of justice and the functioning of free media and by fostering a culture of respect for human rights;

18. Encourages all Governments to respond favourably to the United Nations revised consolidated inter-agency appeal for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia and Slovenia to assist refugees, internally displaced persons and other war-affected people to rebuild their lives, in particular the activities proposed by the United Nations High Commissioner for Human Rights;

19. Also encourages all Governments to respond favourably to the joint appeal from the High Representative, the Organization for Security and Cooperation in Europe and the Council of Europe for voluntary contributions to the Organization for Security and Cooperation in Europe fund established to finance the Commission on Human Rights for Bosnia and Herzegovina, other institutions of justice and elections in this State;

V

Immediate steps

20. Welcomes positive developments which contribute to reducing human rights violations in the area, including increased access being provided to the International Committee of the Red Cross and other humanitarian organizations, increased cooperation by all parties with the Office of the United Nations High Commissioner for Refugees and the opening of field offices of the Centre for Human Rights in the Federal Republic of Yugoslavia (Serbia and Montenegro) and in Eastern Slavonia;

21. Urges the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the state of Bosnia and Herzegovina and the authorities of its entities - the Federation of Bosnia and Herzegovina and the Republika Srpska - to facilitate, with the assistance of the international community, the safe and dignified return of refugees and displaced persons to their homes, honouring fully the commitments undertaken under the peace agreement in regard to human rights and refugee issues (annexes 6 and 7);

22. Calls upon the Government of the Republic of Croatia to respect fully the rights of the local Serb population including their right to remain, leave or return in dignity and safety, allow continued access to this population by humanitarian organizations and create conditions conducive to the return of those persons who have left or were forced to leave their homes, as demanded by the Security Council in its resolution 1009 (1995) of 10 August 1995, and pursue vigorously prosecutions against those suspected of past violations of international humanitarian law and human rights, while ensuring that the rights to a fair trial and to legal representation are afforded to all persons suspected of such crimes;

23. Expresses its full support for the plans of the United Nations Transitional Authority in Eastern Slavonia to organize the return in dignity and safety of Croatian and other non-Serb refugees who were forcibly expelled from their homes;

24. Strongly urges the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and the state of Bosnia and Herzegovina and the authorities of the Federation of Bosnia and Herzegovina and the Republika Srpska to take immediate and effective steps to build confidence among people in order to prevent new mass exoduses of populations, calls upon the Republika Srpska and the Federation to adopt amnesty laws, and deplores reported arrests inconsistent with the amnesty law adopted by the state of Bosnia and Herzegovina;

25. Strongly urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to revoke all discriminatory legislation and to apply all other legislation without discrimination, release all political detainees, allow the free return of ethnic Albanian refugees to Kosovo and take appropriate measures to respect fully all human rights and fundamental freedoms, including freedom of the press and freedom of movement and freedom from discrimination in the field of education and information, and to stop discrimination against and guarantee fully the rights of all persons belonging to any ethnic, national, religious or linguistic minority;

26. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) take immediate action to put an end to the repression of and prevent violence against non-Serb populations in Kosovo, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention, unfair trials, arbitrary unjustified evictions and dismissals, and also to respect the rights of persons belonging to minority groups in Sandjak and Vojvodina and of persons belonging to the Bulgarian minority;

27. Also urgently demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) allow ethnic Albanians in Kosovo to participate fully in the life of Kosovo without discrimination and to enjoy political and educational rights, including by allowing the establishment of democratic institutions, and the right to seek, receive and impart information and ideas through any media and, in particular to improve the situation of ethnic Albanian women and children, and to allow an international presence for monitoring of the human rights situation in Kosovo;

28. Reiterates its call to all parties in the Federal Republic of Yugoslavia (Serbia and Montenegro) to engage in a substantive dialogue, to act with the utmost restraint and to settle disputes peacefully and with full respect for human rights, and calls especially upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to pursue dialogue with representatives of ethnic Albanians in Kosovo;

29. Emphasizes that improvements in the promotion and protection of human rights and political freedoms in Kosovo and the rest of its territory as well as cooperation with the Tribunal will assist the Federal Republic of Yugoslavia (Serbia and Montenegro) to establish the full range of relations with the international community;

VI

Cooperation and coordination

30. Calls upon the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and the state of Bosnia and Herzegovina to ensure full and free access to their territories to all institutions concerned with the implementation of the present resolution, including non-governmental organizations;

31. Requests the Governments of the territories within the mandate of the Special Rapporteur to cooperate with her and provide her on a regular basis with information about the actions they are undertaking to implement her recommendations;

32. Urges all bodies concerned with the situation in the state of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and with the implementation of the peace agreement, inter alia the relevant United Nations bodies, the High Representative, the European Union, the Council of Europe and the Organization for Security and Cooperation in Europe, to coordinate their activities closely and to exchange on a continuing basis all relevant information in their possession on the situation in these territories, particularly through the Human Rights Coordination Centre that has been established to address this issue;

VII

Missing persons

33. Commends the expert member of the Working Group on Enforced or Involuntary Disappearances for his report on the special process on missing persons in the territory of the former Yugoslavia (E/CN.4/1996/36);

34. Draws attention to the need for immediate and urgent efforts to determine the fate of missing persons, including, in cases where other means of determining the fate of the missing have proven unsuccessful and upon the recommendation by qualified experts that exhumation will provide an efficient means for resolving cases that are unlikely to be resolved by other means, an eventual examination by such experts of mass grave sites or sites where arbitrary executions or killings of many thousands of persons are reported to have taken place, in particular, near Srebrenica, Zepa, Prijedor, Sanski Most and Vukovar, and the communication of any determination to the families of the missing, and

(a) Requests that the expert member of the Working Group on Enforced or Involuntary Disappearances, in conjunction with his mandate for the special process dealing with the problem of missing persons in the state of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), the International Tribunal, the High Representative, the Special Rapporteur and the International Committee of the Red Cross coordinate their efforts to this end, within their respective mandates, particularly through the Expert Group on Exhumations and Missing Persons established under the authority of the High Representative, and that they prepare a comprehensive plan for dealing with this question in the state of Bosnia and Herzegovina as well as in the Republic of Croatia;

(b) Underlines in this respect the need for the establishment of an ante mortem database to assist with identification of the dead before large-scale exhumations can be considered;

(c) Recalls the commitment of the Implementation Force to work to provide a secure environment for these tasks;

(d) Strongly reminds the parties of their commitment, made in Rome on 17 February 1996, to provide unrestricted access to the sites described above;

(e) Demands that all parties refrain from any action intended to destroy, alter, conceal or damage any evidence of violations of human rights and international humanitarian law and that they preserve such evidence;

(f) Also demands that all parties cooperate fully with the expert for the special process, the Expert Group and the International Committee of the Red Cross Working Group on Missing Persons by providing all relevant information to aid in determining the fate of missing persons in conformity with their obligations under the peace agreement;

35. Reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its responsibility to investigate enforced

disappearances, enhance its cooperation with the Republic of Croatia and with the state of Bosnia and Herzegovina in tracing missing persons and to provide complete and precise information on this subject, calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to its bilateral agreement with the Republic of Croatia to this effect, to accept similar bilateral arrangements with the state of Bosnia and Herzegovina and to respond positively to the efforts of the expert for the special process, including by attending high-level intergovernmental meetings to this end;

36. Requests the expert for the special process to assume responsibility for securing appropriate support, including financial assistance, for the activities of the Expert Group, and requests the international community to make available the necessary means for this undertaking;

37. Recommends to this end that the United Nations High Commissioner for Human Rights provide, through existing voluntary funding mechanisms, means to assist the expert for the special process to secure the necessary financial assistance;

38. Decides to extend for one year the mandate of the expert for the special process dealing with missing persons, and requests him to continue to report to the Commission on this matter;

39. Requests the Secretary-General to continue providing the special process on missing persons with the necessary resources, so that it can perform its functions continuously and expeditiously;

VIII

Special Rapporteur

40. Commends both the former and the current Special Rapporteur of the Commission on Human Rights on the situation of human rights in the state of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) for their efforts, welcomes the report of the Special Rapporteur, and calls on the Governments of these States to continue to support the work of the Special Rapporteur;

41. Notes with concern that the past recommendations of the Special Rapporteur have been implemented only in part, and urges the parties, all States and relevant organizations to give immediate consideration to them;

42. Urges Member States to take into account the Special Rapporteur's recommendation that major reconstruction aid for the state of Bosnia and Herzegovina must be made conditional on demonstrated respect for human rights, and emphasizes in that respect the necessity of cooperation with the International Tribunal;

43. Recommends that the United Nations High Commissioner for Human Rights maintain his offices in the former Yugoslav Republic of Macedonia for the purpose of maintaining cooperation and dialogue with the Government;

44. Requests the Special Rapporteur, in addition to the activities mandated in its resolution 1994/72 of 9 March 1994 and in order to increase coordination with other actors in the field of human rights and to promote reconciliation among the parties:

(a) To establish a plan for her reporting on the human rights situation in the state of Bosnia and Herzegovina, particularly relating to ongoing abuses of human rights;

(b) To support the High Representative's efforts to report on the implementation of the peace agreement by providing information and recommendations concerning compliance with the human rights elements of the agreement;

(c) To continue to compile an overview of the human rights situation since 1991 in coordination with relevant human rights organizations and the International Tribunal;

45. Decides to extend for one year the mandate of the Special Rapporteur as revised in the present resolution, and requests that she continue her vital efforts, especially by carrying out missions to:

(a) The state of Bosnia and Herzegovina;

(b) The Republic of Croatia;

(c) The Federal Republic of Yugoslavia (Serbia and Montenegro), in particular to Kosovo, as well as to Sandjak and Vojvodina,

and that she continue to submit periodic reports to the Commission on Human Rights and the General Assembly and to exchange information and advice on the human rights situation in the territories covered by her mandate with the High Representative, the Organization for Security and Cooperation in Europe and other competent organizations, and requests the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the Organization for Security and Cooperation in Europe;

46. Urges the Secretary-General, from within existing resources, to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and in particular to provide her with adequate staff based in those territories to ensure effective continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved;

47. Decides to continue its examination of this question at its fifty-third session under the same agenda items.

59th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/72. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling that human rights and fundamental freedoms are the birthright of all human persons and that their protection and promotion is the first responsibility of Governments,

Reaffirming that all Member States have the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Recalling further Security Council resolution 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil up to the amount of 1 billion United States dollars every 90 days, on a renewable basis, to be used to purchase essential food and medical supplies for humanitarian purposes, and welcoming the acceptance by the Government of Iraq of the Secretary-General's invitation to enter into discussion on this issue with the United Nations Secretariat,

Recalling in particular its resolution 1991/74 of 6 March 1991, in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling also its pertinent resolutions condemning the flagrant violations of human rights by the Government of Iraq, including resolution 1992/71 of 5 March 1992, in which it requested the Special Rapporteur to continue to pursue his mandate and to visit again the northern area of Iraq in particular, as well as resolution 1995/76 of 8 March 1995, in which it extended the mandate of the Special Rapporteur for a further year and requested him to submit an interim report to the General Assembly at its fiftieth session and a report to the Commission at its fifty-second session, Recalling further the pertinent resolutions of the General Assembly, in particular resolution 50/191 of 22 December 1995, in which the Assembly, deeply concerned at the overall human rights situation in Iraq, decided to continue its consideration of the situation of human rights in Iraq at its fifty-first session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council,

Deeply concerned at the persisting massive and grave violations of human rights by the Government of Iraq, regarding which there are no signs of improvement, such as summary and arbitrary executions, the enactment and implementation of decrees prescribing cruel and inhuman punishments, torture and other cruel, inhuman or degrading treatment, arbitrary arrests and detentions, lack of due process, non-respect for the rule of law and the suppression of freedom of thought, of expression and of association, as well as the persistence of specific discrimination within the country as regards access to food and health care, which amounts to a violation of the economic and social rights of Iraqis,

Reaffirming that the Government of Iraq is held to respect the right to life, personal security and the rule of law in Iraq, and that the extrajudicial killing of persons considered to be hostile to the regime is a grave violation of international human rights standards,

Deeply disturbed by reports about the climate of oppression and the dire economic and social situation in the south of Iraq,

Noting the responsibility of the Iraqi authorities with regard to persons missing and detained as a result of the Iraqi occupation of Kuwait, and noting also that Iraq has recently renewed its participation in the Tripartite Commission established pursuant to the cease-fire agreement of 1991,

Regretting that the Government of Iraq has not seen fit to respond to the formal request of the Special Rapporteur on the situation of human rights in Iraq to visit Iraq, that there is now little in the way of even formal cooperation extended to the Special Rapporteur by the Government of Iraq and in particular that full replies have still not been given to the many questions the Special Rapporteur has put to the Government of Iraq in previous years,

Expressing concern at the exceptional gravity of the human rights situation in Iraq and, therefore, endorsing the Special Rapporteur's repeated proposals for the deployment of a team of human rights monitors and for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in Iraq,

Welcoming in that respect the sending of two fact-finding missions in order to obtain supplementary information and testimonies from Iraqi citizens who recently fled Iraq, victims of severe human rights violations for which the Government of Iraq has general responsibility under international law,

1. Takes note with appreciation of the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1996/61) and the conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive and extremely grave violations of human rights for which the Government of Iraq is fully responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror, in particular:

(a) Summary and arbitrary executions, including political killings;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) The enactment and implementation of decrees prescribing cruel and unusual punishment, namely mutilation, as a penalty for certain offences and the abuse and diversion of medical-care services for the purpose of such mutilations;

(d) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(e) Suppression of freedom of thought, information, expression, association and assembly, through fear of arrest, imprisonment and other sanctions, including the death penalty, as well as harsh limitations on freedom of movement;

3. Calls upon the Government of Iraq to resolve the cases of disappearances of Kuwaitis and nationals of other States by providing detailed information on all persons deported from or arrested in Kuwait between 2 August 1990 and 26 February 1991 and on those who were executed or died in detention during or after that period, as well as on the location of their graves, and also calls in particular upon the Government of Iraq:

(a) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(b) To step up its cooperation with the Tripartite Commission aimed at discovering the whereabouts and resolving the fates of the remaining several hundred missing persons and prisoners of war, Kuwaitis and third-country nationals who disappeared during or subsequent to the illegal Iraqi occupation of Kuwait;

(c) To establish immediately a national commission on disappearances and take appropriate steps to cooperate closely with the Working Group on Enforced or Involuntary Disappearances to look into the fate of those who disappeared;

(d) To pay appropriate compensation to the families of persons who died while in the custody of Iraqi authorities or for whom the Government of Iraq is responsible and has so far failed to account, through the mechanism established by Security Council resolution 692 (1991) of 20 May 1991;

4. Takes note of recent negotiations indicating some willingness on the part of the Government of Iraq to discuss the modalities of implementing the "oil for food" formula, and urges the Government of Iraq to cooperate with the United Nations to come to a conclusion of those negotiations in order to purchase urgently needed food and medical supplies for humanitarian purposes, as authorized by the Security Council in its resolution 986 (1995) of 14 April 1995;

5. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and particularly to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

6. Demands that the Government of Iraq:

(a) Bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(b) Restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(c) Abrogate all decrees that prescribe cruel and inhuman punishment or treatment and take every step necessary to ensure that all persons arbitrarily detained are immediately released and that the practice of torture and cruel and unusual punishments and treatment no longer occurs;

(d) Abrogate also all laws and procedures, including Revolution Command Council Decree No. 840, of 4 November 1986, that penalize the free expression of competing views and ideas, and to ensure that the genuine will of the people shall be the basis of authority in the State;

(e) Having sole responsibility in this regard, remove the internal embargo on the northern region, which permits essentially no exceptions for humanitarian needs, eliminate its discriminatory practices restricting access to food and health care in the southern region and cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

(f) Cease immediately its repressive practices aimed at the Iraqi Kurds and other minorities, as well as the population of the southern marsh area, cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing and cooperate with international aid agencies to provide humanitarian assistance in the northern and southern areas of the country;

7. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

8. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to take the necessary measures in order to send a team of human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq;

9. Decides to extend for a further year the mandate of the Special Rapporteur, as contained in Commission resolutions 1991/74 of 6 March 1991, 1992/71 of 5 March 1992, 1993/74 of 10 March 1993, 1994/74 of 9 March 1994 and 1995/76 of 8 March 1995;

10. Urges the Government of Iraq to accord its full cooperation to the Special Rapporteur, in particular during his next visit to Iraq;

11. Requests the Special Rapporteur to report periodically to the Commission on Human Rights on the situation of human rights in Iraq and to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session;

12. Requests the Secretary-General to provide appropriate additional resources, from within existing overall United Nations resources to fund the sending of human rights monitors;

13. Decides to continue its consideration of the situation of human rights in Iraq, under the same agenda item, at its fifty-third session.

60th meeting
23 April 1996
[Adopted by a roll-call vote of 30 votes to none,
with 21 abstentions. See chap X.]

1996/73. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms as embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, Recalling the obligation by all parties to respect international humanitarian law,

Recalling also resolution AHG/Res.213 (XXVIII) on the strengthening of cooperation and coordination among African States, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-eighth ordinary session, held in Dakar from 29 June to 1 July 1992, and recalling the Addis Ababa agreement of July 1990,

Recalling further General Assembly resolution 50/197 of 22 December 1995 on the human rights situation in the Sudan and its own resolution 1995/77 of 8 March 1995, also on the human rights situation in the Sudan,

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, inter alia, reports submitted to the Commission on Human Rights by the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on religious intolerance and the Chairmen of the Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances,

Noting also with concern the latest reports of the Special Rapporteur on the situation of human rights in the Sudan to the General Assembly (A/50/569, annex) and to the Commission (E/CN.4/1996/62),

Welcoming the announcement on 23 August 1995 by the Government of the Sudan of a national amnesty and the release of political detainees,

Deeply concerned about the continuing human rights violations and abuses by all parties engaged in the conflict in the Sudan, as reported by the Special Rapporteur in his most recent report,

Deeply concerned also about continued acts of indiscriminate and deliberate aerial bombardment by the Government of the Sudan of civilian targets in southern Sudan, including humanitarian relief operations, in clear violation of international humanitarian law, which have added to the suffering of the civilian population and resulted in casualties to civilians, including relief workers,

Deeply concerned further that access of international relief organizations to civilian populations critically at risk, despite some improvement in certain areas, continues to be severely impeded, violating international humanitarian law and the tripartite access agreement between the Government, southern opposition groups and Operation Lifeline Sudan, and representing a threat to human life that constitutes an offence to human dignity,

Expressing the hope that the continuing dialogue between the Government of the Sudan and other parties and donor Governments, Operation Lifeline Sudan and international private voluntary agencies will result in improved cooperation for the delivery of humanitarian assistance to all persons in need, Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, notably from southern Sudan and the Nuba Mountain region, especially women, members of minorities and children who have been forcibly displaced in violation of their human rights and who are in need of relief, assistance and protection,

Deeply concerned about continued reports of activities such as slavery, servitude, the slave trade and forced labour, the sale and trafficking of children, their abduction and forced internment at undisclosed locations, ideological indoctrination or cruel, inhuman or degrading punishments, especially but not exclusively affecting displaced families and women and children belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingessana Hills areas,

Gravely concerned about the failure of the Government of the Sudan to investigate actively reports of some of these practices, especially in the light of the fact that it is reported that they have frequently been carried out by agents acting under government authority or taking place with the knowledge of the Government of the Sudan,

Taking note of recent efforts reported by the Government of the Sudan to begin investigation of cases of disappearance and of slavery, servitude, the slave trade, forced labour and similar practices in the Sudan, as well as to propose measures to put an end to verified instances of the latter practices, as urged by the General Assembly in resolution 50/197,

Alarmed by the continuing exodus of refugees into neighbouring countries, conscious of the burden that this places on those countries, and expressing its appreciation of the efforts of host countries and of the international community to assist the refugees,

Gravely disturbed by the failure of the Government to provide full and impartial investigations and reports on human rights violations and abuses, especially those linked to the disappearance or killing of Sudanese employees of foreign relief organizations,

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices as reported by the Special Rapporteur in his latest reports, including civil and judicial discrimination against women,

Expressing serious concern about reports of religious persecution and forced conversion in government-controlled areas of the Sudan,

Welcoming the dialogue and contacts between non-governmental organizations and the religious minorities in the Sudan, aimed at improving relations between the Government of the Sudan and the religious minority groups, *Welcoming also* the invitations to visit the Sudan extended by the Government of the Sudan to the Special Rapporteurs on religious intolerance and on freedom of expression, as also suggested by the General Assembly in resolution 50/197,

Noting the establishment by the Government of the Sudan of National Committees for Human Rights Education,

Taking note of the elections conducted in the Sudan in March 1996, noting the remarks made in that connection by the Election Observer Mission of the Organization of African Unity, and expressing the hope that this first step will lead to the holding of free and fair elections,

1. *Welcomes* the most recent report of the Special Rapporteur (E/CN.4/1996/62), and expresses its support for his work;

2. *Expresses its deep concern* at continued serious human rights violations in the Sudan, including summary executions, extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons and systematic torture, and denial of the freedom of expression, association and peaceful assembly, and emphasizes that it is essential to put an end to violations of human rights in the Sudan;

3. *Expresses its outrage* at the use of military force by all parties to the conflict to disrupt or attack relief efforts aimed at assisting civilian populations, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

4. *Renews* its call to the Government of the Sudan fully to respect human rights, and calls upon all parties to the conflict to cooperate in order to ensure such respect;

5. *Deeply regrets* the fact that, since 1993, the Government of the Sudan has persisted in its refusal to cooperate with the Special Rapporteur in his efforts to carry out his mandate in full, in particular by denying him the right to visit the Sudan and by issuing unacceptable threats against his person;

6. *Welcomes* the decision of the Government of the Sudan to re-extend its full and unreserved cooperation and to assist the Special Rapporteur in the discharge of his mandate, and calls upon the Government, to that end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person and any area in the Sudan;

7. *Again urges* the Government of the Sudan to release all remaining political detainees, to cease all acts of torture and cruel, inhuman or degrading punishment and close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in the custody of ordinary police or prison authorities where family members and lawyers can visit them and that such persons receive prompt, just and fair trials under internationally recognized standards;

8. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan is a party and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

9. Urges the Government of the Sudan to investigate reported policies or activities which support, condone, encourage or foster the sale of or trafficking in children, the separation of children from their families and social backgrounds or which subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment, and to terminate immediately any such policies or activities and bring to trial any persons suspected of involvement in them;

10. Also urges the Government of the Sudan, following its letter to the Centre for Human Rights of 22 March 1996, to carry out its investigations without delay into cases of slavery, servitude, the slave trade, forced labour and similar institutions and practices, as reported by the Special Rapporteur and others, and to take all appropriate measures to put an immediate end to these practices;

11. Welcomes the reported release of female detainees with children and any other activities designed to assist such persons, and encourages the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action (A/CONF.177/20) adopted at the Fourth World Conference on Women: Action for Equality, Development and Peace;

12. Calls upon the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets and relief operations;

13. Notes with appreciation the regional efforts of the heads of State of the Intergovernmental Authority on Drought and Development (Eritrea, Ethiopia, Kenya and Uganda) to assist parties to the conflict in the Sudan to reach a peaceful settlement, and urges all parties to the conflict to cooperate fully with that regional peace initiative in order to agree to an immediate cease-fire, negotiate an equitable resolution of the civil conflict and ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan;

14. Welcomes the recently signed peace agreement between the Government of the Sudan and the South Sudan Independence Movement and the Sudan People's Liberation Movement-Bahr al Ghazal Group, as announced in Khartoum on 10 April 1996;

15. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law including article 3 common to the Geneva Conventions of 12 August 1949 and the Additional

Protocols thereto of 1977, to halt the use of weapons, including land-mines, against the civilian population and to protect all civilians, especially women, members of minorities and children, from violations of human rights and humanitarian law, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions;

16. Calls once more upon the Government of the Sudan to ensure a full and thorough investigation by the independent judicial inquiry commission of the killing of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

17. Calls again upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat and Operation Lifeline Sudan to deliver humanitarian assistance to all persons in need;

18. Expresses the hope that the dialogue between non-governmental organizations and religious minorities in the Sudan will lead to improved relations between those minorities and the Government of the Sudan;

19. Decides to extend the mandate of the Special Rapporteur for an additional year;

20. Stresses the importance of the Special Rapporteur continuing to apply gender perspective systematically in the reporting process, including information collection and recommendations;

21. Requests the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate;

22. Encourages the Special Rapporteurs on religious intolerance and on freedom of expression to consult with the Special Rapporteur on the situation of human rights in the Sudan and to accept the invitations of the Government of the Sudan, looks forward to receiving their reports following their visits, and hopes that these events will lead to invitations to and visits by other thematic rapporteurs and working groups;

23. Recommends that priority be given to the placement of human rights field officers to monitor the situation of human rights, in the locations and under the modalities suggested by the Special Rapporteur, in order to facilitate improved information flow and assessment and to help in the independent verification of reporting, with particular attention to violations and abuses in areas of armed conflict;

24. Requests the Special Rapporteur, following his visit to the Sudan and consultations with the Government of the Sudan, to report to the Commission on Human Rights on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-third session, reassess such need;

25. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session;

26. Decides to continue its consideration of this question as a matter of priority at its fifty-third session.

60th meeting
23 April 1996
[Adopted without a vote. See chap X.]

1996/74. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling, the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life,

Mindful of General Assembly resolutions on the subject of summary or arbitrary executions, of which the latest is 49/191 of 23 December 1994,

Recalling the other standards that form the legal justification of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Recalling also Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto and Economic and Social Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Welcoming the attention given to various aspects and situations of violations of the right to life by the Special Rapporteur in his reports (E/CN.4/1996/4 and Corr.1 and Add.1 and 2) and his methods of work, including following up on communications and country visits, Expressing deep concern at the scarce resources, both human and material, put at the disposal of the Special Rapporteur for the implementation of his mandate, bearing in mind his increasing workload and the persistence of extrajudicial, summary or arbitrary executions in all parts of the world,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon;

3. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all alleged extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

4. Welcomes the establishment of a preparatory committee with a view to establishing an International Criminal Court;

5. Encourages the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, taking into account the safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

6. Welcomes the report of the Special Rapporteur (E/CN.4/1996/4 and Corr.1 and Add.1 and 2), and stresses his recommendations made after his visits to particular countries;

7. Requests the Special Rapporteur, in carrying out his mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission on Human Rights informed about such serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender-perspective in his work;

8. Urges the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

9. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

10. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency or armed conflicts and to ensure that the police and security forces receive thorough training in human rights matters and, in particular, with regard to restrictions on the use of force and firearms in the discharge of their functions;

11. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, the 1949 Geneva Conventions and the 1977 Protocols thereto in relation to the treatment of prisoners in armed conflicts, and other pertinent international instruments;

12. Strongly urges all Governments to respond to the communications transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

13. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him, and invites them to report to the Special Rapporteur on action taken on these recommendations;

14. Expresses its concern that a number of Governments, mentioned in the report of the Special Rapporteur, have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

15. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

16. Requests the Secretary-General to inform the Commission on the implementation of Economic and Social Council decision 1995/284 of 25 July 1995, to provide the Special Rapporteur, from within existing resources and as a matter of priority, with additional human, financial and material resources, keeping in mind the comments on this matter in the report of the Special Rapporteur (E/CN.4/1996/4, para. 619), in order to enable him to carry out his mandate effectively, including through country visits;

17. Also requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

18. Further requests the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

19. Invites the Special Rapporteur to submit an interim report to the General Assembly at its fifty-first session on the situation worldwide in regard to summary or arbitrary executions and his recommendations for more effective action to combat that phenomenon;

20. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of high priority at its fifty-third session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/75. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and international humanitarian law, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan,

Recalling in particular, its resolution 1995/74 of 8 March 1995, in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to consider submitting a report to the General Assembly at its fiftieth session, and Economic and Social Council decision 1995/285 of 25 July 1995, in which the Council approved the Commission's decision,

Concerned that armed confrontation persists in certain parts of the territory of Afghanistan,

Aware that peace and security in Afghanistan are conducive to the full restoration of all human rights and fundamental freedoms, the voluntary return of refugees to their homeland in safety and dignity, the clearance of minefields in many parts of the country, and the reconstruction and rehabilitation of Afghanistan,

Deeply concerned at reports of human rights abuses and violations of humanitarian law and human rights, including the rights to life, to liberty and security of person and to freedom of opinion, expression and association,

Concerned in particular at the situation of women and children, especially regarding access to basic education for girl children and access by women to employment, training and their effective participation in the political and cultural life throughout the country, Concerned also that a unified judicial system cannot be established throughout the country under the prevailing circumstances, and stressing the necessity, until one is created, for regional administrations to assume responsibility for the protection of the human rights of those people under their control,

Commending the activities carried out for the welfare of the Afghan people by various agencies and programmes of the United Nations, as well as by the International Committee of the Red Cross and other humanitarian organizations,

Noting with satisfaction that the voluntary repatriation of the Afghan refugees has resumed, although full repatriation has been impeded by the continuing conflict,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1996/64), of his conclusions and recommendations, including his suggestion for the appointment of a human rights field officer in Kabul, and of the translation of previous reports into the Dari and Pashtu languages,

1. Welcomes the cooperation that the governmental and local authorities in Afghanistan and the Government of Pakistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan;

2. Urges all the Afghan parties to work and cooperate fully with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and the establishment of a democratic Government elected through free and fair elections to be held throughout the country and based on the right to self-determination of the people of Afghanistan;

3. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and therefore invites the Special Mission and the Special Rapporteur to exchange relevant information and to consult and cooperate with each other;

4. Urges all the Afghan parties to respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, including the rocket attacks against civilian suburbs of Kabul, to stop the laying of land-mines and to prohibit the drafting and the recruitment of children as para-combatants;

5. Calls upon all Afghan parties to respect fully all human rights and fundamental freedoms, including the rights of women and children, in accordance with international human rights instruments, and calls upon the Afghan authorities to ensure the effective participation of women in the social, economic, political and cultural life throughout the country, including education and employment;

6. Calls upon all authorities in Afghanistan to ensure equal treatment to women and girls, and calls particularly upon local authorities in Kandahar

and Herat to proceed urgently to the reopening of the primary and secondary schools for girls, which have been closed recently, and to reintegrate women in their previous jobs;

7. Calls for the unconditional and simultaneous release of all prisoners of war, wherever they are held, including former Soviet prisoners of war, and for the tracing of the many Afghans still missing as the result of the war;

8. Calls upon all warring parties in Afghanistan to refrain from detaining foreign nationals and urge their captors to release them immediately;

9. Calls upon the Afghan authorities to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply the Amnesty Decree issued in 1992 by the Transitional Islamic State of Afghanistan in a strictly non-discriminatory manner, to reduce the period during which prisoners await trial and to treat all suspected, convicted or detained persons in accordance with relevant international instruments;

10. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave violations of human rights and accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

11. Appeals to Member States and to the international community to continue to provide adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries pending their voluntary repatriation in accordance with relevant international instruments, in particular through the support of activities such as mine detection and clearance and repatriation projects undertaken by the Office of the United Nations High Commissioner for Refugees, the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and other United Nations agencies or non-governmental humanitarian organizations;

12. Strongly urges, in the light of recent events, all parties to the conflict to take all necessary measures to ensure the safety and security of all diplomatic missions in Kabul, the personnel of humanitarian organizations and the representatives of the media in Afghanistan;

13. Urges all countries to respect the full national independence, territorial integrity and the non-interference in the internal affairs of Afghanistan, and takes note with concern of paragraph 37 of the report of the Special Rapporteur (E/CN.4/1996/64) wherein he is informed of the presence of foreigners among prisoners of war;

14. Invites the United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning the drafting of a constitution, which should embody internationally accepted human rights principles and the holding of direct elections;

15. Encourages the United Nations Educational, Scientific and Cultural Organization to study, with the contribution of its competent committees, appropriate ways and means to restore the Afghan system of education and cultural heritage, in particular the restoration of the Kabul museum;

16. Urges the Afghan authorities to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

17. Decides to extend the mandate of the Special Rapporteur for one year, and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the Commission at its fifty-third session and to consider submitting a report to the General Assembly at its fifty-first session;

18. Requests the Special Rapporteur to continue to apply a gender perspective in his reporting;

19. Decides to continue its consideration of the human rights situation in Afghanistan, as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/76. Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the International Bill of Human Rights, the Convention on the Prevention and the Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolution 1995/91 of 8 March 1995, and taking note of General Assembly resolutions 50/57 of 12 December 1995 and 50/200 of 22 December 1995 and Security Council resolution 1050 (1996) of 8 March 1996,

Deeply concerned by reports of the Special Rapporteur and the Human Rights Field Operation in Rwanda that genocide and systematic and widespread violations of international humanitarian law, including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda,

Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice,

Noting with concern the reports by the Special Rapporteur and the Human Rights Field Operation in Rwanda of violations of human rights and fundamental freedoms in Rwanda, Welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, to eliminate impunity and to facilitate the process of voluntary and safe return, resettlement and reintegration of refugees, as reaffirmed in the agreements reached at Nairobi, Bujumbura and Cairo in 1995, and at Tunis in 1996 and welcoming the commitments by Governments in the region regarding refugees,

Stressing its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in promoting the return of refugees, in consolidating a climate of confidence and stability and in promoting the rehabilitation and reconstruction of Rwanda,

Reaffirming the link between the voluntary return of refugees to their homes and the normalization of the situation in Rwanda, and concerned that continuing acts of intimidation and violence within the camps for refugees, particularly by the former Rwandan authorities, prevent refugees from returning to their homes,

Noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes Region, including initiatives of the Organization of African Unity, States in the region and international organizations, and encouraging the efforts of the Secretary-General to ensure the implementation of commitments to ensure security, peace and stability in the Great Lakes Region and, in this context, to continue consultations on the possible convening of a conference on the Great Lakes Region,

1. Welcomes the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda (E/CN.4/1996/111) and the reports of the Special Rapporteur on the situation of human rights in Rwanda (E/CN.4/1996/7 and E/CN.4/1996/68);

I

2. Condemns in the strongest terms acts of genocide, violations of international humanitarian law and all violations and abuses of human rights in Rwanda;

3. Expresses its deep concern at the intense suffering of the victims of genocide and crimes against humanity, recognizes the ongoing suffering of their survivors, particularly the extremely high number of traumatized children and women victims of rape and sexual violence, and urges the international community to provide adequate assistance to them;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations and that the international community will exert every effort, in cooperation with national and international tribunals, to bring those responsible to justice in accordance with international principles of due process;

5. Urges all States concerned to cooperate fully, without delay, with the International Criminal Tribunal for the Prosecution of Persons Responsible

for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, taking into account the obligations contained in Security Council resolutions 955 (1994) and 978 (1995);

II

6. Encourages the efforts and commitments of the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts, in accordance with international principles of due process, to expedite the processing of cases, to ensure conditions and treatment in detention in conformity with international standards, and to train all those involved in the legal procedures governing arrest and detention, and notes with concern the findings of the Special Rapporteur and the Human Rights Field Operation in Rwanda that arrests and detentions under conditions which do not conform to international standards, summary executions, cruel, inhuman or degrading treatment, and restrictions on freedom of opinion and expression are still taking place;

7. Encourages the further efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, notes that efforts in this regard are hampered by a lack of resources, and welcomes the commitments made by the Government of Rwanda to restore the rule of law and protect and promote respect for human rights and fundamental freedoms;

8. Also encourages the further efforts of the Government of Rwanda to involve, without any discrimination, all citizens not responsible for genocide or other grave violations of international humanitarian law in its administrative, judicial, political and security structures;

9. Calls upon the Government of Rwanda to take all necessary measures to ensure the safety and security of all people in Rwanda, including United Nations personnel and other international staff serving in the country;

10. Appreciates the contribution that the human rights officers have made towards the improvement of the overall situation in Rwanda and the important role played by States, the Human Rights Field Operation in Rwanda, other United Nations bodies, the International Committee of the Red Cross and intergovernmental and non-governmental organizations in providing humanitarian assistance and contributing to the reconstruction and rehabilitation of Rwanda;

11. Invites States, the organizations and bodies of the United Nations system, and intergovernmental and non-governmental organizations to continue and intensify efforts to contribute financial and technical support to the efforts of the Government of Rwanda towards reconstruction of the human rights infrastructure of Rwanda and towards the implementation of the programme of rehabilitation, reconstruction and national reconciliation, and welcomes the commitments made, including those at the Round Table Conference at Geneva and its mid-term review in Kigali in July 1995;

12. Urges Governments in the region to take measures to prevent their territory from being used to pursue a strategy of destabilization of Rwanda, and, in this regard, urges all States concerned to cooperate fully with the International Commission of Inquiry on arms flows in the Great Lakes Region, established in pursuance of Security Council resolution 1013 (1995) of 7 September 1995;

13. Condemns all violence and intimidation against persons in the camps of Rwandan refugees, calls upon the appropriate authorities to ensure security in such camps, including by separating refugees from intimidators to facilitate voluntary repatriation, and welcomes the commitments undertaken by the Governments in the region in this regard;

14. Welcomes the joint efforts of the Government of Rwanda, neighbouring countries and the Office of the United Nations High Commissioner for Refugees to assist in the voluntary and safe return of refugees through, inter alia, the work of the Tripartite Commission and the agreements reached at Nairobi, Bujumbura and Cairo in 1995 and at Tunis in 1996, and also welcomes the efforts of the Office of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Development Programme and other United Nations offices and organizations to coordinate their efforts to ensure protection of the human rights of refugees during their return, resettlement and reintegration;

III

15. Welcomes the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Human Rights Field Operation in Rwanda and the Special Rapporteur and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country;

16. Commends the efforts of the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to ensure that human rights monitoring, a comprehensive programme of human rights assistance and confidence-building measures form integral parts of Rwandan and United Nations efforts aimed at conflict prevention and peace-building in Rwanda, drawing as appropriate on the expertise and capacities of all parts of the United Nations system, thus contributing to the promotion and protection of human rights in Rwanda;

17. Takes note of Security Council resolution 1050 (1996) of 8 March 1996 in which the Council encouraged the Secretary-General, in agreement with the Government of Rwanda, to maintain in Rwanda a United Nations office for the purpose of supporting the efforts of the Government of Rwanda to promote national reconciliation, strengthen the judicial system, facilitate the return of refugees and rehabilitate the country's infrastructure, and of coordinating the United Nations efforts to that end;

18. Welcomes the measures taken by the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to put in place the Human Rights Field Operation in Rwanda, which has as it objective:

(a) The investigation of violations of human rights and humanitarian law, including acts of genocide and crimes against humanity;

(b) The monitoring of the human rights situation and the prevention of future violations;

(c) Cooperation with other international agencies in re-establishing confidence and thus facilitating the voluntary return and resettlement of refugees;

(d) The rebuilding of civil society, through programmes of human rights education and technical cooperation, particularly in the areas of the administration of justice and conditions of arrest, detention and treatment in detention, and through programmes of cooperation with Rwandan human rights organizations;

19. Requests the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-first session;

20. Recognizes the importance of the Human Rights Field Operation in Rwanda in contributing to the establishment of confidence in the country, and recommends the continuation of its presence throughout Rwanda as well as sufficient funds for that purpose;

21. Calls upon States to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and requests the Secretary-General to propose what steps might be taken to place the operation on a more secure financial basis;

22. Requests the Secretary-General to ensure adequate financial and human resources and logistical support for the Human Rights Field Operation in Rwanda, taking into account the need to deploy a sufficient number of human rights field officers and the need for programmes of technical assistance and advisory services for the Government of Rwanda and Rwandan human rights organizations, especially in the field of the administration of justice;

23. Decides to extend the mandate of the Special Rapporteur on the situation of human rights in Rwanda, as set out in its resolution S-3/1 of 25 May 1994, for an additional year, working in cooperation with the Human Rights Field Operation in Rwanda, requests the Special Rapporteur to make recommendations concerning situations in which technical assistance may be appropriate, and requests him to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session;

24. Requests the Secretary-General to provide all necessary resources to the Special Rapporteur.

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/77. Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling that, in accordance with its Charter, the United Nations fosters and encourages respect for human rights and for fundamental freedoms for all, and that the Universal Declaration of Human Rights stipulates that the will of the people is the basis of the authority of government,

Recalling also that, under Articles 55 and 56 of the Charter of the United Nations, all Member States of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Bearing in mind its resolution 1995/69 of 8 March 1995,

Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the report of the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1996/66), the report of the Special Rapporteur on the question of torture (E/CN.4/1996/35 and Add.1), the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1996/38), the report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/1996/37) and the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4),

Recognizing that some progress has been achieved by the Government of Zaire with respect to human rights, while regretting that certain major recommendations made by the Special Rapporteur in this area have not yet been implemented,

Concerned, however, at the persistence of violations of human rights in Zaire, in particular at cases of arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, notably those which are administered by the army and security services, serious shortcomings *in the administration of justice, which is unable to function independently,* the impunity of human rights violators, the rape of women in detention or during looting, and forced population displacements,

Recognizing the heavy burden imposed on the host country and local populations in accepting large numbers of refugees from Rwanda and Burundi, and seriously concerned at the worsening of ethnic confrontations in Kivu following this inflow,

Bearing in mind the Cairo and Geneva agreements on Zaire's commitment to suspend forced repatriations of refugees,

Reiterating its loathing of all forms of racial or ethnic discrimination,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation, in particular that of the most vulnerable groups in the population, the greater part of which cannot satisfy essential needs,

Re-emphasizing the need to put an end to the impunity of persons responsible for human rights violations, including members of the army and security forces,

Greatly concerned about the delay in the process of democratic transition, and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms, so that the transition period can come to an end in conformity with the Constitutional Act of Transition, after free and multi-party elections,

Greatly concerned also at the delay in preparations for the elections resulting from a political deadlock,

Strongly regretting that the Government of Zaire has not yet signed the agreement for the establishment of an office of the United Nations High Commissioner for Human Rights in Kinshasa, composed of two experts entrusted with the task of monitoring the situation of human rights and giving advice to the governmental authorities and non-governmental organizations,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Zaire and assures the Special Rapporteur of its full support for the work undertaken by him within the framework of his mandate;

2. Deplores the continuing violations of human rights and fundamental freedoms in Zaire, particularly cases of torture and cruel, inhuman or degrading treatment, violence against women, arbitrary detention, summary executions and solitary confinement, inhuman and degrading prison conditions, particularly for children, especially in the detention centres administered by the army and security services, enforced disappearances and denial of the right to a fair trial, and the failure to prosecute the persons responsible for intimidation measures and reprisals, in particular against prominent political figures;

3. *Notes with concern* that the army and the security forces continue to use force against civilians and to enjoy great impunity, which remains one of the principal causes of human rights violations in Zaire;

4. *Condemns* all discriminatory measures affecting persons belonging to minority groups;

5. *Expresses appreciation* of the cooperation of the Government of Zaire with the Special Rapporteur in the discharge of his mission, which he was able to perform completely freely, while regretting that he did not benefit from such cooperation in respect of his requests for information;

6. *Encourages* the Government of Zaire to renew its efforts so that acts of violence against persons originating from Kasai do not occur any more in the province of Shaba and to combat the impunity of the persons responsible for these acts;

7. *Recalls* the agreements reached between the Government of Zaire, the Government of Rwanda and the Office of the United Nations High Commissioner for Refugees aimed at assuring order and security in the Rwandese refugee camps in Zaire and the voluntary repatriation of these refugees to their country of origin in conditions of safety and dignity;

8. *Calls*, in particular with a view to the holding of elections with universal suffrage, for continued and broadened efforts to assure full respect for the right to freedom of opinion and expression, in particular for all mass media, as well as freedom of association, assembly and peaceful demonstration;

9. *Calls upon* the Government of Zaire to take all necessary measures with a view to reinforcing the judiciary and its independence;

10. *Exhorts* all Zairian political forces to respect the peaceful aspect of the democratic transition, and strongly urges the competent Zairian authorities to speed up the process of preparing for and organizing democratic, free and regular elections on the basis of the provisions contained in the basic agreements on the transition, drawing on assistance from the international community;

11. *Welcomes* the establishment of the National Electoral Commission and of the Standing Interministerial Commission to ensure contacts between the Government and the National Election Commission;

12. *Urges* once again the Government of Zaire to follow up rapidly the commitment it has already entered into concerning the establishment of an office of the United Nations High Commissioner for Human Rights in Kinshasa;

13. *Recalls* the importance of continuing to apply a gender perspective to a greater extent in drawing up the reports of the Special Rapporteur, including the collection of information and recommendations;

14. *Decides* to extend the mandate of the Special Rapporteur for an additional year;

15. Requests the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

16. Requests the Special Rapporteur to submit at its fifty-third session a report in which he will, inter alia, indicate how the Government of Zaire has taken into account his recommendations;

17. Decides to consider the question again at its fifty-third session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories", drawing on the reports of the Special Rapporteur and the thematic special rapporteurs and working groups of the Commission on Human Rights.

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/78. Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The Commission on Human Rights,

Recalling General Assembly resolution 48/121 of 20 December 1993, in which the Assembly endorsed the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights,

Recalling also its resolution 1994/95 of 9 March 1994, in which it decided to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Convinced that the Vienna Declaration and Programme of Action has to be translated into effective action by States, the competent United Nations organs and organizations and other organizations concerned, including non-governmental organizations,

Recalling Part II, paragraph 100, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights requested the Secretary-General to invite, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States and all organs and agencies of the United Nations system related to human rights to report to him on the progress made in the implementation of the Vienna Declaration and Programme of Action and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council,

Recalling also that regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of the Vienna Declaration and Programme of Action, and that special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations,

Recalling further General Assembly resolution 48/141 of 20 December 1993, in which the Assembly decided to create the post of United Nations High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities, including coordination of the human rights promotion and protection activities throughout the United Nations system,

Noting that, at the first regular session of 1994 of the Administrative Committee on Coordination in April 1994, the executive heads of all United Nations agencies discussed the implications of the results of the World Conference on Human Rights for their respective programmes and committed themselves to supporting the United Nations High Commissioner for Human Rights in the coordination of the United Nations organs and bodies and the specialized agencies whose activities deal with human rights, as set out in General Assembly resolution 48/141,

Noting also that the United Nations High Commissioner for Human Rights has established a permanent dialogue with the United Nations programmes and agencies whose activities deal with human rights in order to maintain systematic exchanges of information, experience and expertise,

Recognizing that the interdependence of democracy, development and respect for human rights, as stated in the Vienna Declaration and Programme of Action, requires a comprehensive and integrated approach to the promotion and protection of human rights and that adequate inter-agency cooperation and coordination are essential in order to ensure such a fully integrated approach throughout the United Nations system,

Welcoming the fact that the call of the World Conference on Human Rights for a United Nations system-wide approach to human rights issues has been reflected in the recommendations of major international conferences organized by the United Nations in the economic, social and related fields,

Noting the ongoing efforts to ensure a coordinated follow-up to major international conferences in the economic, social and related fields,

Recalling that each year the Economic and Social Council shall carry out, within the framework of its coordination segment, a review of cross-cutting themes common to major international conferences and/or contribute to an overall review of the implementation of the programme of action of a United Nations conference, in accordance with the Agreed Conclusions 1995/1 of the Economic and Social Council on coordinated follow-up by the United Nations system and implementation of the results of the major international conferences organized by the United Nations in the economic, social and related fields,

Having considered the report of the United Nations High Commissioner for Human Rights (E/CN.4/1996/103),

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights;

2. Endorses the reaffirmation in the Vienna Declaration and Programme of Action of the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations;

3. Reaffirms the views of the World Conference on the urgency of eliminating denials and violations of human rights;

4. Recognizes that the international community should devise ways and means to remove the current obstacles and meet challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

5. Calls upon all States to take further action with a view to the full realization of human rights in the light of the recommendations of the World Conference;

6. Recognizes the importance of dialogue and cooperation between Governments and between Governments and non-governmental organizations and the role the Commission can play in promoting dialogue and cooperation;

7. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action, including through training programmes, human rights education and public information, in order to promote increased awareness of human rights and fundamental freedoms;

8. Calls upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates;

9. Requests the United Nations High Commissioner for Human Rights, the General Assembly and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

10. Welcomes the intention of the United Nations High Commissioner for Human Rights to invite all States and all organs and agencies of the United Nations system related to human rights to carry out a thorough evaluation of the implementation of the Vienna Declaration and Programme of Action;

11. Recommends to the Economic and Social Council that it consider devoting the coordination segment at its substantive session of 1998 to the question of the coordinated follow-up to, and implementation of, the Vienna Declaration and Programme of Action as part of the 1998 five-year review described in Part II, paragraph 100, of the Vienna Declaration and Programme of Action;

12. Welcomes with appreciation the work accomplished so far by the United Nations High Commissioner for Human Rights, and expresses its commitment to continue to cooperate with and support the High Commissioner in the discharge of his mandate, as set out in General Assembly resolution 48/141;

13. Requests the United Nations High Commissioner for Human Rights to continue to coordinate the human rights promotion and protection activities throughout the United Nations system, as set out in General Assembly resolution 48/141, including through a permanent dialogue with the United Nations agencies and programmes whose activities deal with human rights;

14. Invites the Administrative Committee on Coordination to continue to discuss the implications of the Vienna Declaration and Programme of Action for the United Nations system with the participation of the United Nations High Commissioner for Human Rights;

15. Requests the United Nations High Commissioner for Human Rights to continue to report on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action, in particular concerning the preparation for the 1998 five-year review;

16. Decides to consider this question at its fifty-third session under the item entitled "Follow-up to the World Conference on Human Rights".

60th meeting
23 April 1996
[Adopted without a vote. See chap. XXI.]

1996/79. Situation of human rights in Nigeria

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other human rights instruments and the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that all Member States have the duty to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments in this field,

Mindful that Nigeria is a party to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights,

Taking note of General Assembly resolution 50/199 of 22 December 1995 on the situation of human rights in Nigeria, Deeply concerned about the human rights situation in Nigeria and the suffering caused thereby to the people of Nigeria,

Expressing concern that the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms, and recalling in this regard the popular support for democratic government as evidenced in the 1993 elections, and noting that local government elections on a non-party basis were held in March 1996,

Recalling the announcement made by the Government of Nigeria on 1 October 1995 in which it affirmed the principle of multi-party democracy and the principle of power-sharing, and its intention to lift the ban on political activities and the press, to devolve power to the local levels of government and subordinate the military to civilian authority,

Strongly disappointed that only limited action in this regard has followed, while noting some relaxation of restrictions on the media,

Taking note of the mission sent to Nigeria by the Secretary-General in pursuance of General Assembly resolution 50/199, following an invitation by the Government of Nigeria,

Noting with deep concern reports of grave violations of human rights, including arbitrary executions, arbitrary arrests and detention, failure to respect due process of law and excessive use of force against demonstrators, as described in, inter alia, reports submitted to the Commission on Human Rights by the Special Rapporteur on the independence of judges and lawyers (E/CN.4/1996/37) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4),

Taking note of the request of the Special Rapporteur on the independence of judges and lawyers and the request of the Special Rapporteur on extrajudicial, summary or arbitrary executions to undertake a joint investigative mission to Nigeria,

Noting with alarm that, among those detained, further persons may be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates,

1. Expresses its deep concern about violations of human rights and fundamental freedoms in Nigeria, and calls upon the Government of Nigeria urgently to ensure their observance, in particular by restoring habeas corpus, releasing all political prisoners, trade union leaders, human rights advocates and journalists who are at present detained, guaranteeing freedom of the press and ensuring respect for the rights of all individuals, including persons belonging to minorities;

2. Calls upon the Government of Nigeria to ensure that trials are held strictly in conformity with international instruments to which Nigeria is party;

3. Also calls upon the Government of Nigeria to accede to the request of the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers to pay a joint investigative visit to Nigeria;

4. Further calls upon the Government of Nigeria to abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights and other instruments on human rights, including the African Charter of Human and Peoples' Rights;

5. Calls upon the Government of Nigeria to cooperate fully with the relevant existing mechanisms of the Commission on Human Rights;

6. Notes the declared commitment of the Government of Nigeria to civilian rule, and urges it to take immediate and concrete steps to restore democratic government;

7. Requests the two thematic Special Rapporteurs who have requested a joint investigative visit to the country to submit to the Commission at its fifty-third session a joint report on their findings, along with any observations of other relevant mechanisms, in particular the Working Group on Arbitrary Detention, and requests them to submit an interim report to the General Assembly;

8. Decides on the basis of these reports to consider the situation of human rights in Nigeria at its fifty-third session under the same agenda item.

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/80. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Noting with particular concern in this regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of those elections, Deploring the continued detention of many political prisoners, in particular elected representatives, and the recent arrests and harassment of other supporters of democratic groups in Myanmar, while welcoming the release of Daw Aung San Suu Kyi on 10 July 1995,

Gravely concerned at the violations of human rights in Myanmar, which remain extremely serious, in particular the practice of torture, summary and arbitrary executions, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, forced displacement of the population, the existence of important restrictions on the exercise of fundamental freedoms, including the freedom of expression and association, and the imposition of oppressive measures directed, in particular, at ethnic and religious minority groups,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949 for the protection of war victims, the concluding of some cease-fire agreements with ethnic groups, the withdrawal of several reservations it had entered concerning the Convention on the Rights of the Child and the freeing of a certain number of political prisoners, in response to the concerns repeatedly expressed by the international community,

Gravely concerned at the continuing fighting with ethnic and other political groups, despite the conclusion of cease-fire agreements, and noting that this, together with continued violations of human rights, has resulted in flows of refugees to neighbouring countries,

Sharing the concern expressed by the International Labour Organization, in June 1995, at the practice of forced labour in Myanmar,

Noting that many violations directly affect women, in particular women belonging to minorities, who have suffered ill-treatment, especially at the hands of the military, as stated by the Special Rapporteur,

Having examined the reports of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1996/88), and on the situation of human rights in Myanmar, submitted pursuant to General Assembly resolution 50/194 (E/CN.4/1996/157) and of the Special Rapporteur on the question of torture (E/CN.4/1995/35 and Add.1),

Recalling its resolution 1992/58 of 3 March 1992, in which it decided to nominate a special rapporteur to establish direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Recalling also its resolution 1995/72 of 8 March 1995, and taking note of General Assembly resolution 50/194 of 22 December 1995,

1. Notes that the Special Rapporteur visited Myanmar in October 1995, commends him for his report (E/CN.4/1996/65), and welcomes the conclusions and recommendations contained therein;

2. Deplores the continuing serious violations of human rights in Myanmar and, in particular, the fact that a number of political leaders, including leaders and elected representatives of the National League for Democracy, remain deprived of their liberty;

3. Strongly urges the Government of Myanmar to release immediately and unconditionally all detained political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

4. Deplores the recent harsh sentences meted out to members of political parties and other individuals, including persons voicing dissent in regard to the procedures of the National Convention and persons condemned in particular for seeking to meet the Special Rapporteur and for having peacefully exercised their right to freedom of expression, movement and association;

5. Deeply regrets that, while a certain number of political prisoners were released in the past year, many political leaders continue to be deprived of their freedom and their fundamental rights;

6. Welcomes the release of Nobel Peace Prize winner Daw Aung San Suu Kyi on 10 July 1995, and urges the Government of Myanmar to allow her freedom of movement and to open immediately a substantial political dialogue with her and with other political leaders, including representatives of ethnic groups, as the best means to arrive at national reconciliation and the complete and rapid installation of democracy;

7. Again urges the Government of Myanmar to take, in conformity with the assurances given at various times, all necessary measures to guarantee democracy in full accordance with the will of the people as expressed in the democratic elections held in 1990, and to ensure that all political parties may freely exercise their activities;

8. Notes with concern that most of the representatives democratically elected in 1990 have been excluded from participating in the meetings of the National Convention, that severe restrictions have been imposed on delegates, including members of the National League for Democracy, who have withdrawn and subsequently were excluded, at the end of 1995, from the sessions of the Convention and who are unable to meet or distribute their literature, and that one of the objectives of the Convention is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State, and concludes that the National Convention does not appear to constitute the necessary steps towards the restoration of democracy;

9. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives, lifting restraining orders placed on a number of political leaders, releasing those who are detained and ensuring that all political parties can function freely;

10. Also strongly urges the Government of Myanmar to guarantee full respect for human rights and fundamental freedoms, in particular the freedom of expression and opinion and the right of association and of assembly, to restore protection of persons belonging to minority groups, in particular against discrimination, especially in the framework of the citizenship laws, and to put an end to violations of the right to life and the integrity of the human being, to arbitrary detentions, to the practice of torture, abuse of women and forced labour and in particular to forced recruiting of porters for the army, to enforced displacements of the population and to enforced disappearances and summary executions;

11. Expresses grave concern at the recent fighting with the Karenni National Progressive Party, other ethnic groups, Burmese students and political activists, and in some parts of the country at the resulting flow of refugees towards neighbouring countries;

12. Reminds yet again the Government of Myanmar of its obligations to put an end to the impunity of perpetrators of violations of human rights, including members of the military, and its responsibility to investigate alleged cases of human rights violations committed by its agents on its territory, to bring them to justice, prosecute them and punish those found guilty, in all circumstances;

13. Calls upon the Government of Myanmar to become a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

14. Appeals to the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization;

15. Encourages the Government of Myanmar to continue to lift the remaining emergency measures;

16. Requests the Government of Myanmar to ensure that all persons, without discrimination, are afforded the minimum guarantees for a fair trial according to due process of law and in conformity with applicable international standards, that laws are given due publicity and that the principle of non-retroactivity of laws is respected;

17. Encourages the Government of Myanmar to continue to create the necessary conditions to facilitate the voluntary repatriation of refugees and

their reintegration, in conditions of safety and dignity, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

18. Invites the Government of Myanmar to respect fully its obligations under the Geneva Conventions of 12 August 1949, and to avail itself of such services as may be offered by impartial humanitarian bodies;

19. Stresses that it is important for the Government of Myanmar to give particular attention to prison conditions in the country's prisons and to take steps to allow international humanitarian organizations to communicate freely and confidentially with prisoners;

20. Welcomes the first measures taken by the Government of Myanmar to provide for the training of military personnel in international humanitarian law, and requests it to intensify its efforts in that regard and to extend them to police and prison personnel;

21. Decides to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and requests him to report to the General Assembly at its fifty-first session and to the Commission on Human Rights at its fifty-third session;

22. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

23. Urges the Government of Myanmar to cooperate fully and unreservedly with the Commission and the Special Rapporteur and, to that end, to ensure that the Special Rapporteur effectively has free access to any person in Myanmar whom he may deem it appropriate to meet in the performance of his mandate, including Daw Aung San Suu Kyi;

24. Encourages the Secretary-General, in the discharge of his good offices mandate, to continue his discussions with the Government of Myanmar in order to assist in the implementation of General Assembly resolution 50/194, including in the efforts deployed for national reconciliation and towards the resumption of democracy, notes with concern the decision of the Government of Myanmar to postpone discussion in Yangon with representatives of the Secretary-General, and in this respect calls upon the Government of Myanmar to reinstate this visit as soon as possible and to extend full cooperation to the Secretary-General or his representatives, including through access to any person as deemed appropriate by the Secretary-General;

25. Decides to keep the matter under review at its fifty-third session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories";

26. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 32.]

60th meeting
23 April 1996
[Adopted without a vote. See chap. X.]

1996/81. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1995/84 of 8 March 1995, in which it authorized further meetings of the working group,

Recalling further that the World Conference on Human Rights recommended speedy completion and adoption of the draft declaration,

Conscious of the importance of taking into account the opinions of all States and of interested intergovernmental and non-governmental organizations before finalizing the draft declaration,

1. Takes note of the report of the working group (E/CN.4/1996/97);

2. Urges the working group to make every effort to complete its task and submit the draft declaration to the Commission;

3. Decides to continue at its fifty-third session its work on the elaboration of the draft declaration;

4. Also decides to make available an appropriate meeting time for the working group prior to and during the fifty-third session of the Commission;

5. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

60th meeting
23 April 1996
[Adopted without a vote. See chap. XIX.]

1996/82. Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights

The Commission on Human Rights,

Recalling General Assembly resolutions 48/141 of 20 December 1993 and 50/187 of 22 December 1995, the relevant Economic and Social Council resolutions, as well as its own resolutions on this question,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Recalling that, in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights stressed the importance of strengthening the Centre for Human Rights,

Taking note of the report of the Secretary-General on the strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights (E/CN.4/1996/116), as well as of the report of the United Nations High Commissioner for Human Rights (E/CN.4/1996/103),

Recalling the note by the Secretary-General on the geographical composition and functions of the staff of the Centre for Human Rights (A/50/682),

Taking into account that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources,

Taking into account also the establishment of the post of United Nations High Commissioner for Human Rights, as well as the mandate for the post, as defined in General Assembly resolution 48/141, including its coordinating role and its overall supervision of the Centre, as well as the request by the General Assembly in that resolution for appropriate staff and resources to enable the High Commissioner to fulfil his mandate,

Noting with concern that the response to this request has not been commensurate with the needs, resulting in a serious and increasing imbalance between the mandates assigned to the High Commissioner and to the Centre by the competent bodies of the United Nations system in the field of human rights and the resources available to fulfil those mandates,

Taking into account the fact that the responsibilities of the High Commissioner include, inter alia, engaging in a dialogue with all Governments in the implementation of his mandate with a view to the promotion and protection of all human rights, and rationalizing, adapting, strengthening and streamlining the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness,

Mindful of situations in which rapid action by the High Commissioner is required in order to address urgent crises in the field of human rights,

Aware that the effectiveness of action by the High Commissioner could be enhanced through cooperation within the United Nations system, inter alia through the use of its established procedures of existing mechanisms,

Noting that the difficult financial situation of the United Nations human rights programme has created considerable obstacles in implementing in full and on time the various procedures and mechanisms,

Noting also that the High Commissioner and the Centre are a unity whereby the High Commissioner, in accordance with General Assembly resolution 48/141, sets the policy directions and the priority of action and the Centre implements those policies under the direction of the head of the Centre, the Assistant Secretary-General for Human Rights,

Emphasizing that, while further improvement in the function and efficiency of the Centre, together with a strong emphasis on good management practices, is needed in order to enable the Centre to cope with its constantly increasing workload, good management practices need to be complemented by resources commensurate with mandates,

Taking note of the information provided by the High Commissioner with regard to the ongoing process aimed at increasing the efficiency and effectiveness of the Centre, and encouraging the High Commissioner to continue to inform Member States on his efforts in a similar manner, inter alia through briefing sessions,

Recognizing that this process should contribute to the strengthening of the functional framework for integrated and consolidated activities of the Secretariat in the field of human rights, while reaffirming full respect for the mandates given to the High Commissioner and to the Centre by the appropriate intergovernmental bodies,

Recalling that in its report to the Special Commission of the Economic and Social Council, the Commission on Human Rights reaffirmed that the paramount consideration in the employment of staff at every level was the need for the highest standards of efficiency, competence and integrity, and that it was convinced that that was compatible with the principle of equitable geographical distribution, and bearing in mind Article 101, paragraph 3, of the Charter of the United Nations,

1. Supports and encourages the efforts of the Secretary-General to enhance the role and further improve the functioning of the Centre for Human Rights, under the overall supervision of the United Nations High Commissioner for Human Rights;

2. Reiterates the need to ensure that all the necessary human, financial, material and personnel resources are provided from the regular budget of the United Nations without delay to the United Nations human rights programme to enable it to carry out the mandates efficiently, effectively and expeditiously;

3. Requests the Secretary-General to make available additional human and financial resources, from within the overall regular budget of the United Nations, and to enhance the capability of the High Commissioner and the Centre to fulfil effectively their mandates and their ability to carry out mandated operational activities and to coordinate efficiently with other relevant departments of the Secretariat, as well as other organs, bodies and specialized agencies of the United Nations system, including on logistical and administrative questions, having due regard to the need to finance and implement activities of the United Nations relating to development;

4. Encourages the increased cooperation and coordination between the High Commissioner, acting within his mandate, and other departments and offices of the United Nations Secretariat on human rights issues;

5. Requests the Secretary-General to facilitate the participation of the High Commissioner in all established procedures of existing mechanisms within the framework of the United Nations system with a view to addressing urgent crises in the field of human rights;

6. Encourages the High Commissioner, within his mandate as set out in General Assembly resolution 48/141, to continue to seek effective ways to react rapidly to crises in the field of human rights and to continue to report on his activities in this regard to the competent bodies of the United Nations in the field of human rights, and requests in this context the Secretary-General to support activities proposed by the High Commissioner;

7. Supports fully the High Commissioner in his continuing efforts to strengthen the human rights activities of the United Nations, inter alia through measures aimed at restructuring the Centre to improve its efficiency and effectiveness;

8. Requests the High Commissioner to continue to keep all States informed on a regular basis of the ongoing process of restructuring the Centre, inter alia through informal open briefing sessions;

9. Decides to consider the question of strengthening the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, including measures taken in furtherance of the present resolution, at its fifty-third session.

61st meeting
24 April 1996
[Adopted without a vote. See chap. IX.]

1996/83. Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action

The Commission on Human Rights,

Considering that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights on 25 June 1993 and endorsed by the General Assembly in resolution 48/121 of 20 December 1993, recommends that, among other relevant bodies of the United Nations, the Commission on Human Rights consider ways and means for the full implementation, without delay, of the recommendations contained in the Declaration and Programme of Action and that, for this purpose, the Commission should annually review the progress towards this end,

Recalling its resolution 1994/95 of 9 March 1994, in which it decided to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action,

Considering that the Vienna Declaration and Programme of Action stressed the importance of strengthening the United Nations Centre for Human Rights and the need for it to play an important role in coordinating system-wide attention for human rights,

Recognizing the necessity for the continuing adaptation of the United Nations human rights machinery to current and future needs in the promotion and protection of all human rights, to be conducted in a transparent manner through consultations with Member States and competent intergovernmental bodies,

Having in mind the prominent role played by the Commission on Human Rights as a policy-making body in the field of human rights within the United Nations system,

Recalling General Assembly resolution 48/141 in which the General Assembly decided to create the post of United Nations High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities,

Noting the respective functions of the Secretary-General and the pertinent bodies in the revision of the medium-term plan of the human rights programme of the United Nations system, especially the Committee on Programme Planning and Coordination, the Third and Fifth Committees of the General Assembly and the Advisory Committee on Administrative and Budgetary Questions,

Recalling that, in the ongoing review of the structures of the Secretariat of the United Nations dealing with human rights, in particular the Centre for Human Rights, it is necessary to ensure full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23) and all mandates established by decisions of competent bodies in the field of human rights, Emphasizing the importance of maintaining a continuing dialogue between the United Nations High Commissioner for Human Rights and Member States on these issues,

Welcoming the consultations carried out by the United Nations High Commissioner for Human Rights in this regard,

1. Encourages the General Assembly to continue its current examination of the proposed revisions to the medium-term plan of the human rights programme of the United Nations system with a view to its early adoption;

2. Stresses the need for the United Nations bodies responsible for the revision of the medium-term plan of the human rights programme of the United Nations system to ensure full reflection of the Vienna Declaration and Programme of Action and of all mandates established by decisions of the competent bodies in the field of human rights;

3. Also stresses that the process of restructuring the Centre for Human Rights should ensure the full implementation of the Vienna Declaration and Programme of Action and of all mandates established by decisions of the competent bodies in the field of human rights;

4. Requests the Secretary-General to continue to convene at least twice a year in Geneva meetings with all interested States to provide information and exchange views on the activities conducted by the Centre for Human Rights and its process of restructuring;

5. Expresses its confidence that the Secretary-General will continue to keep Member States informed on the follow-up of the present resolution;

6. Decides to consider this matter at its fifty-third session.

61st meeting
24 April 1996
[Adopted without a vote. See chap. XXI.]

1996/84. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) as endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular Part I, paragraph 1, which reaffirms, inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments, *Reaffirming* that all Member States have a duty to fulfil the obligations they have undertaken under the various international instruments in the field of human rights,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling in particular its resolution 1984/54 of 14 March 1984, in which the Commission requested its Chairman to appoint a special representative to make a thorough study of the human rights situation in the Islamic Republic of Iran, based on such information as the special representative might deem relevant, including comments and material provided by the Government of the Islamic Republic of Iran,

Noting the appointment by the Chairman of the Commission on Human Rights of Mr. Maurice Danby Copithorne as Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, and paying tribute to his predecessor, Mr. Reinaldo Galindo Pohl,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, who has been able to conduct a preliminary visit to the Islamic Republic of Iran,

Recalling its previous resolutions expressing concern at the violations of human rights by the Government of the Islamic Republic of Iran, including its most recent, resolution 1995/68 of 8 March 1995, and those of the General Assembly, including the most recent, resolution 50/188 of 22 December 1995, and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1995/18 of 24 August 1995, which condemned the violations of human rights in the Islamic Republic of Iran,

Noting the concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the human rights situation in the Islamic Republic of Iran,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Noting the view of the Special Representative that a number of specific topics warrant his further detailed examination, particularly in the area of criminal procedure and the penal system,

Expressing the hope that the atmosphere for change believed to be detected by the Special Representative will result in relevant improvements,

Welcoming the cooperation extended by the Government of the Islamic Republic of Iran to the Special Rapporteur on religious intolerance and the Special Rapporteur on freedom of opinion and expression, who have been able to visit the Islamic Republic of Iran, and bearing in mind the reports of these Special Rapporteurs on their visits (E/CN.4/1996/95/Add.2 and E/CN.4/1996/39/Add.2),

1. Welcomes the report of the Special Representative of the Commission and the observations contained therein (E/CN.4/1996/59);

2. Expresses its concern at the continuation of violations of human rights in the Islamic Republic of Iran, in particular the failure to meet international standards with regard to the administration of justice, notably with respect to pre-trial detention and the right of accused persons to defence lawyers, subsequent executions in the absence of guarantees of due process of law and cases of torture and cruel, inhuman or degrading treatment or punishment, the discriminatory treatment of minorities by reason of their religious beliefs, notably the Baha'is, whose existence as a viable religious community in the Islamic Republic of Iran is threatened, lack of adequate protection for some Christian minorities, some members of which have been the target of intimidation and assassinations, violations of the right to peaceful assembly and restrictions on the freedom of expression, thought, opinion and the press, including intimidation and harassment of journalists;

3. Calls upon the Government of the Islamic Republic of Iran to implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and to other minority religious groups, including Christians;

4. Expresses its concern at the lack of full and equal enjoyment by women of human rights, and calls upon the Government of the Islamic Republic of Iran to take effective measures to eliminate discrimination against women;

5. Expresses its grave concern at the continued use of the death penalty in the Islamic Republic of Iran in violation of the relevant provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

6. Also expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which have the support of the Government of the Islamic Republic of Iran;

7. Deplores the continuing violence against Iranians outside the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to refrain from activities against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

8. Urges the Government of the Islamic Republic of Iran, as a State party to the International Covenants on Human Rights, to abide by its obligations under the Covenants and under other international instruments on human rights to which it is party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

9. Encourages the Government of the Islamic Republic of Iran to continue to extend maximum cooperation to international humanitarian organizations;

10. Welcomes the invitation extended by the Government of the Islamic Republic of Iran to the Special Representative as well as the Special Rapporteur on the right to freedom of expression and association, and calls upon the Government of the Islamic Republic of Iran to continue to cooperate with the mechanisms of the Commission, including by allowing them continued free access to the country;

11. Decides to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year;

12. Stresses the need to apply gender perspective in the reporting process, including in information collection and recommendations;

13. Requests the Special Representative to submit an interim report to the General Assembly at its fifty-first session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and to report to the Commission at its fifty-third session;

14. Requests the Secretary-General to give all necessary assistance to the Special Representative;

15. Decides to continue its consideration of the situation of human rights in the Islamic Republic of Iran, as a matter of priority, at its fifty-third session.

62nd meeting
24 April 1996
[Adopted by a roll-call vote of 24 votes to 7,
with 20 abstentions. See chap. X.]

1996/85. Rights of the child

The Commission on Human Rights,

Recalling its resolutions 1995/78 and 1995/79 of 8 March 1995 and General Assembly resolution 50/153 of 21 December 1995,

Recalling also the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights urged all States, with the support of international cooperation, to address the acute problem of children under especially difficult circumstances, and recalling further that the Vienna Declaration and Programme of Action stated that exploitation and abuse of children should be actively combated, including by addressing their root causes, and that effective measures are required against female infanticide, harmful child labour, sale of children and organs, child prostitution, child pornography, as well as other forms of sexual abuse, Recalling the recommendations of the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children, in 1990,

Recalling the recommendations made at the World Summit for Social Development and the Beijing Declaration and Platform for Action (A/CONF.177/20) adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace in 1995, in particular those for the protection of the rights of the girl child,

Recalling also the adoption by the Commission of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, in its resolution 1992/74 of 5 March 1992, as well as the Programme of Action for the Elimination of the Exploitation of Child Labour, in its resolution 1993/79 of 10 March 1993,

Noting the recent adoption by the Executive Board of the United Nations Children's Fund of a new Mission Statement,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, natural disasters, armed conflicts, displacement, economic and sexual exploitation, illiteracy, hunger, intolerance and disability, and convinced that urgent and effective national and international action, including preventive measures, is called for,

Encouraged by the widespread commitment and political will shown by the unprecedented number of States that have to date become signatories and parties to the Convention on the Rights of the Child and by its almost universal nature, while noting that the commitment to achieve universal ratification by 1995 has not been reached,

Convinced that urgent national and international action is required to ensure that States parties implement the Convention on the Rights of the Child and the recommendations of the Committee on the Rights of the Child,

Noting the plan of action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child,

Determined to safeguard children's right to life, and recognizing the duty and responsibility of Governments to investigate all cases of offences against children, including killing and violence, and to punish offenders,

Convinced that children affected by armed conflicts require the special protection of the international community and that there is a need for all States to work towards the alleviation of their plight,

Deeply worried by the continued practice of recruiting children in armed forces in contravention of the Convention on the Rights of the Child, Noting with satisfaction that the XXVIth International Conference of the Red Cross and Red Crescent in December 1995 recommended that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

Reiterating resolutions 2C and 2D of the XXVIth International Conference of the Red Cross and the Red Crescent, concerning children and family reunification,

Alarmed by the fact that children are often among the main victims of weapons which strike long after conflicts have ended, especially anti-personnel mines,

Aware of the need to promote the physical and psychological care and recovery, as well as the social reintegration, of children victims of any form of exploitation, abuse or neglect, torture or any other form of cruel, inhuman or degrading treatment or punishment, armed conflicts or displacements, in an environment which fosters the health, self-respect and dignity of children,

Deeply concerned at the persistence of the practices of and the existence of markets for the sale of children, child prostitution, child pornography and fraudulent adoption in many parts of the world, as well as at continuing reports of children being involved in and affected by serious crime, drug abuse, violence and prostitution, and, in this connection, aware of the particular vulnerability of street children to these phenomena,

Noting with concern the growing phenomenon of child sex tourism which can directly promote the sale of children for sexual exploitation as well as child prostitution and child pornography, and conscious of the need for appropriate measures to combat this phenomenon,

Recognizing that legislation per se is not enough to prevent violations of human rights and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and the administration of justice, and in social, educational and public health programmes,

Reaffirming the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights,

Concerned by those attitudes and those traditional practices which are harmful to the health and well-being of the girl child, including female genital mutilation,

Taking note of the respective reports of the two open-ended working groups for the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts (E/CN.4/1996/102) and the elaboration of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (E/CN.4/1996/101), Mindful of the important role of the United Nations system, in particular the United Nations Children's Fund and its national committees, in assisting Governments to promote the well-being of children and their development,

Concerned at the exploitation of child labour and by the fact that it prevents a large number of children from an early age, especially in poverty-stricken areas, from receiving basic education and may unduly imperil their health and even their lives,

Recognizing that progressive elimination of exploitative child labour can be brought about also by tackling poverty, one of the principal factors giving rise to child labour in developing countries,

Underlining the importance of international cooperation in support of initiatives to ensure the realization of children's rights at the national level, and welcoming in particular the programmes of the International Labour Organization aimed at the elimination of exploitative child labour and the activities carried out within the framework of its International Programme on the Elimination of Child Labour,

Alarmed in particular by the exploitation of child labour in its most extreme forms, including forced labour, bonded labour and other forms of slavery,

Encouraged by measures taken by Governments to eradicate the exploitation of child labour,

Deeply concerned about the growing number of street children worldwide and the squalid conditions in which these children are often forced to live, as well as the killing of and violence against these children,

Welcoming the efforts made by Governments to take effective action to address the question of street children,

I

The Convention on the Rights of the Child and its implementation

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1996/99);

2. Urges once again all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching universal adherence;

3. Reaffirms that all States have a duty to fulfil the obligations they have undertaken under the various international instruments, and in this regard recalls the responsibility of States parties to implement the Convention on the Rights of the Child;

4. Urges States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with a view to considering the withdrawal of those reservations which are contrary to article 51 of the Convention or otherwise contrary to international law;

5. Takes note with appreciation of the constructive role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

6. Calls upon States parties to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated for that purpose;

7. Requests the Secretary-General to ensure the provision of appropriate staff and facilities, from within existing financial resources, for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, in the light of its increasingly heavy workload and bearing in mind article 43 of the Convention on the Rights of the Child;

8. Notes with appreciation the efforts of the United Nations Children's Fund in providing support to the Committee on the Rights of the Child in accordance with article 45 of the Convention and in close collaboration with the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights;

9. Requests organs and bodies of the United Nations, including the United Nations Children's Fund, within the scope of their respective mandates, and encourages States parties, intergovernmental and non-governmental organizations, the media and the community at large to intensify their efforts to disseminate information on the Convention on the Rights of the Child, promote understanding of it and assist States parties in its implementation;

10. Emphasizes the importance of ensuring training on the rights of the child of those who are involved in actions concerning children, including teachers, the judiciary and law enforcement and immigration officials, and draws the attention of interested Governments to the possibilities offered in this connection by the Office of the United Nations High Commissioner for Human Rights and the Centre for Human Rights through the programme of advisory services and technical cooperation in the field of human rights;

11. Recommends that within their mandates, special rapporteurs, special representatives and working groups of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities pay special attention to particular situations in which children are in danger, including the plight of street children, exploitation of child labour, children in armed conflicts, refugee and internally displaced children, and children who are the victims of sale, child prostitution and child pornography or other forms of child abuse, and that they take into account the work of the Committee on the Rights of the Child;

II

Protection of children affected by armed conflicts

12. Notes the progress made in the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

13. Requests the Secretary-General to transmit the report of the working group on a draft optional protocol to the Convention on the involvement of children in armed conflicts to Governments, relevant specialized agencies and intergovernmental and non-governmental organizations, the International Committee of the Red Cross, and the expert appointed by the Secretary-General to undertake a study on the impact of armed conflicts on children, and to invite their comments thereon in time for circulation prior to the next session of the working group, and invites the International Committee of the Red Cross to consider being represented at the next session of the Working Group;

14. Invites the Committee on the Rights of the Child to offer comments on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and to consider being represented at future sessions of the working group;

15. Requests the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission, with a view to finalizing the draft optional protocol;

16. Welcomes the report of the Secretary-General on the impact of armed conflict on children (E/CN.4/1996/110 and Add.1), and notes with appreciation the work of the expert appointed by the Secretary-General, Ms. Graça Machel;

17. Invites Member States and United Nations organs and bodies, including the Committee on the Rights of the Child, the Centre for Human Rights, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, as well as the International Committee of the Red Cross and other relevant intergovernmental and non-governmental organizations, to contribute to the ongoing study on the impact of armed conflict on children;

18. Welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines and calls upon Governments to contribute to demining activities, thereby reducing the number of child victims;

19. Also welcomes the financial contributions made to the Voluntary Trust Fund for Assistance in Mine Clearance, established by the Secretary-General to finance information and training programmes relating to mine clearance, and calls upon Member States to contribute further to it;

III

International measures for the prevention and eradication of the sale of children, child prostitution and child pornography

20. Welcomes the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, and notes her recommendations (E/CN.4/1996/100);

21. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance, from within existing resources, to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-first session and a report to the Commission at its fifty-third session;

22. Appeals to all Governments to cooperate with and assist the Special Rapporteur and to furnish all information requested, including by inviting her to undertake country visits;

23. Invites the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey her findings to the Commission on Human Rights;

24. Recognizes the importance of strengthening international cooperation, inter alia through the adoption of bilateral and multilateral measures or the use of the United Nations programme of advisory services in the field of human rights, as a means to assist Governments in preventing and combating violations of the rights of the child, including the sale of children, child prostitution and child pornography;

25. Notes the progress made in the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

26. Requests the Secretary-General to transmit the report of the working group on the question of a draft optional protocol to the Convention on the sale of children, child prostitution and child pornography to Governments, relevant specialized agencies and intergovernmental and non-governmental organizations, the Committee on the Rights of the Child and the relevant Special Rapporteur and to invite their comments thereon in time for circulation prior to the next session of the working group;

27. Invites the Committee on the Rights of the Child to offer comments on the draft optional protocol to the Convention on the sale of children, child prostitution and child pornography and to consider being represented at future sessions of the working group;

28. Requests the working group on the question of a draft optional protocol to the Convention on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the fifty-third session of the Commission to pursue its mandate, with a view to finalizing the draft optional protocol;

29. Welcomes the convening of the World Congress against Commercial Sexual Exploitation of Children, to be held in Stockholm from 27 to 31 August 1996, and in this connection recommends the participation, within existing resources, of the Special Rapporteur, and the participation of the Chairman-Rapporteur of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, within their mandates;

30. Encourages States to take measures aimed at eliminating sale of children, child prostitution and child pornography as well as related phenomena and to enhance bilateral and multilateral cooperation to tackle effectively trans-border problems associated with the sexual exploitation of children;

IV

Elimination of exploitation of child labour

31. Encourages Member States which have not yet done so to consider ratifying the conventions of the International Labour Organization relating to the elimination of the exploitation of child labour, in particular those concerning the minimum age for employment, the abolition of forced labour and the prohibition of particularly hazardous work for children, and to implement them;

32. Calls upon Governments to take legislative, administrative, social and educational measures to ensure the protection of children from economic exploitation, in particular protection from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

33. Urges Governments to take all necessary measures to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

34. Encourages in particular Governments to take the necessary legislative, administrative, social and educational measures to provide for a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions of employment, and appropriate penalties or other sanctions to ensure the effective enforcement of these measures;

35. Invites Governments, in accordance with the commitments made at the World Summit for Social Development in March 1995, to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and ensuring the full enforcement of relevant existing laws and, where appropriate, enacting the legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

36. _Encourages_ Member States to strengthen bilateral and multilateral cooperation, such as through the United Nations programme of advisory services in the field of human rights and the International Programme on the Elimination of Child Labour of the International Labour Organization, as a means to assist Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

37. _Takes note_ of the recommendations made by the Committee on the Rights of the Child in the area of child labour, and encourages the Committee, as well as other relevant human rights treaty bodies within their respective mandates to continue to monitor this growing problem when examining reports of States parties;

V

The plight of street children

38. _Expresses grave concern_ at the growing incidence worldwide, and at reports of, street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

39. _Urges_ Governments to continue actively to seek comprehensive solutions to the problems of street children and to take measures to restore their full participation in society and to provide them with, _inter alia_, adequate nutrition, shelter, health care and education;

40. _Strongly urges_ all Governments to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against them;

41. _Emphasizes_ that strict compliance with obligations under relevant international human rights instruments, including the Convention on the Rights of the Child, constitutes a significant step towards solving the problems of street children;

42. _Calls upon_ the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

43. _Recommends_ that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies give continued attention within their respective mandates to this growing problem when examining reports of States parties;

VI

The girl child

44. Urges all States to eliminate all forms of discrimination against the girl child and to eliminate the violation of the human rights of all children, paying particular attention to the obstacles faced by the girl child;

45. Encourages States to enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and to develop age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

VII

Refugee and internally displaced children

46. Urges Governments to pay particular attention to the situation of refugee and internally displaced children, by designing and implementing new policies for their care and well-being with the necessary international cooperation, in particular that of the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund;

VIII

47. Welcomes the increasingly active support given to child rights by regional and intergovernmental organizations and institutions;

48. Encourages the establishment of bodies and institutions, both governmental and non-governmental, to monitor, carry out or support activities in favour of children, guided by the principle of the best interests of the child as recognized by the Convention on the Rights of the Child;

49. Requests the Secretary-General to submit to the Commission at its fifty-third session a report on the status of the Convention on the Rights of the Child;

50. Decides to continue its consideration of the question, as a matter of priority, at its fifty-third session under the agenda item entitled "Rights of the child".

62nd meeting
24 April 1996
[Adopted without a vote. See chap. XX.]

B. Decisions

1996/101. Organization of work

At its 2nd meeting, on 19 March 1996, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 3: Mr. J. Urrutia, Chairman-Rapporteur of the working group established in accordance with Commission resolution 1995/32 of 3 March 1995;

(b) In connection with item 3: Mr. P. Pinheiro, Special Rapporteur on the situation of human rights in Burundi;

(c) In connection with item 3: Ms. F.Z. Ksentini, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes;

(d) In connection with item 4: Mr. H. Halinen, Special Rapporteur on the Palestinian territories occupied by Israel;

(e) In connection with item 6: Mr. M. Ennaceur, Chairman-Rapporteur of the Working Group on the Right to Development;

(f) In connection with item 7: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;

(g) In connection with item 8: Mr. L. Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention;

(h) In connection with item 8: Mr. A. Hussain, Special Rapporteur on the right to freedom of opinion and expression;

(i) In connection with item 8: Mr. P. Cumaraswamy, Special Rapporteur on the independence of judges and lawyers;

(j) In connection with item 8 (a): Mr. N. Rodley, Special Rapporteur on the question of torture;

(k) In connection with item 8 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(l) In connection with item 8 (c): Mr. M. Nowak, expert, special process dealing with missing persons in the former Yugoslavia;

(m) In connection with item 8 (d): Mr. C. Vargas Pizarro, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;

(n) In connection with item 9 (a): Ms. R. Coomaraswamy, Special Rapporteur on violence against women;

(o) In connection with item 9 (d): Mr. F.M. Deng, Representative of the Secretary-General on internally displaced persons;

(p) In connection with item 10: Mr. M. Copithorne, Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran;

(q) In connection with item 10: Mr. A. Artucio Rodríguez, Special Rapporteur on the situation of human rights in Equatorial Guinea;

(r) In connection with item 10: Mr. Choong-Hyun Paik, Special Rapporteur on the situation of human rights in Afghanistan;

(s) In connection with item 10: Mr. Y. Yokota, Special Rapporteur on the situation of human rights in Myanmar;

(t) In connection with item 10: Mr. C.J. Groth, Special Rapporteur on the situation of human rights in Cuba;

(u) In connection with item 10: Ms. E. Rehn, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia;

(v) In connection with item 10: Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq;

(w) In connection with item 10: Mr. G. Biró, Special Rapporteur on the situation of human rights in the Sudan;

(x) In connection with item 10: Mr. R. Degni-Ségui, Special Rapporteur on the situation of human rights in Rwanda;

(y) In connection with item 10: Mr. B.W. N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(z) In connection with item 10: Mr. R. Garretón, Special Rapporteur on the situation of human rights in Zaire;

(aa) In connection with item 10 or item 17: Ms. M. Pinto, independent expert on the situation of human rights in Guatemala;

(bb) In connection with item 10 or item 17: Mr. M. Charfi, independent expert on the situation of human rights in Somalia;

(cc) In connection with item 10 (b): Mr. F. Yimer, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations are being considered under item 10 (b);

(dd) In connection with item 10 (b): Mr. H. Templeton, independent expert;

(ee) In connection with item 10 (b): Ms. N'Douré M'Bam Diarra, independent expert;

(ff) In connection with item 12: Mr. M. Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(gg) In connection with item 15: Mr. I. Maxim, Chairman of the forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(hh) In connection with item 17: Mr. M. Kirby, Special Representative of the Secretary-General on the situation of human rights in Cambodia;

(ii) In connection with item 17: Mr. A. Dieng, independent expert on the situation of human rights in Haiti;

(jj) In connection with item 17: Ms. A.-M. Lizin, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(kk) In connection with item 18: Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(ll) In connection with item 19: Mr. J. Helgesen, Chairman-Rapporteur of the Working Group on "human rights defenders";

(mm) In connection with item 20: Mr. N. Eliasson, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts;

(nn) In connection with item 20 (b): Ms. O. Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography;

(oo) In connection with item 20 (d): Mr. I. Mora Godoy, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on sale of children, child prostitution and pornography.

[See chap. III.]

1996/102. Indigenous issues

At its 20th meeting, on 1 April 1996, the Commission on Human Rights decided, without a vote, to add a new agenda item 23, entitled "Indigenous issues", to its provisional agenda and to renumber items 23 and 24 accordingly.

[See chap. III.]

1996/103. Effects of structural adjustment policies on the full enjoyment of human rights

At its 35th meeting, on 11 April 1996, the Commission on Human Rights, taking note of resolution 1995/32 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, by 34 votes to 16, with 1 abstention, to establish an open-ended working group of the Commission to meet for a period of one week prior to its fifty-third session to elaborate, on the basis of the preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights contained in document E/CN.4/Sub.2/1995/10 and in close cooperation with the Committee on Economic, Social and Cultural Rights, policy guidelines on the subject-matter. The Commission also decided to invite Governments and intergovernmental organizations and non-governmental organizations, as well as the Committee on Economic, Social and Cultural Rights, to contribute to the elaboration of draft policy guidelines by providing their comments on the preliminary set of basic policy guidelines for consideration by the working group, and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 36, and chap. V.]

1996/104. Forced evictions

At its 35th meeting, on 11 April 1996, the Commission on Human Rights, taking note of resolution 1995/29 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, bearing in mind the work of other United Nations bodies on this issue, notably that of the United Nations Centre for Human Settlements (Habitat), and mindful of the need to avoid unnecessary duplication, decided, by 22 votes to 18, with 9 abstentions, to recommend to the Economic and Social Council, in the light of the conclusions of the United Nations Conference on Human Settlements (Habitat II), to be held in Istanbul in June 1996, to authorize the holding, at an appropriate date after Habitat II, of an expert seminar on the practice of forced evictions with a view to developing comprehensive human rights guidelines on development-based displacement.

[See chap. V.]

1996/105. Recognition of gross and large-scale violations of human rights as an international crime

At its 51st meeting, on 19 April 1996, the Commission on Human Rights, taking note of resolution 1995/22 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, bearing in mind the work of other United Nations bodies on this issue, notably that of the International Law Commission, and mindful of the need to avoid unnecessary duplication, decided, without a vote, to postpone the decision on forwarding to the Economic and Social Council the draft decision of the Sub-Commission authorizing the preparation of a report on the recognition of gross and large-scale violations of human rights as an international crime (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B) in order to be able to take into account the work of other United Nations bodies in this field, including that of the International Law Commission.

[See chap. XV.]

1996/106. Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems in the promotion and protection of human rights

At its 51st meeting, on 11 April 1996, the Commission on Human Rights, taking note of resolution 1995/19 of 24 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and recalling its decision 1995/107 of 3 March 1995, decided, without a vote, not to forward to the Economic and Social Council the draft decision of the Sub-Commission authorizing a study on the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

[See chap. XV.]

1996/107. Systematic rape and sexual slavery during periods of armed conflict

At its 51st meeting, on 19 April 1996, the Commission on Human Rights, taking note of resolution 1995/14 of 18 August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the decision of the Sub-Commission to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict. The Commission also decided, without a vote, to invite Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on this question, and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B,
draft decision 38, and chap. XV.]

1996/108. Human rights dimensions of population transfer, including the implantation of settlers and settlements

At its 51st meeting, on 19 April 1996, the Commission on Human Rights, taking note of decision 1995/111 of 24 August 1995 and resolution 1994/42 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the recommendation of the Sub-Commission to request the Special Rapporteur to submit his final report to the Sub-Commission at its forty-eighth session, and to request the Secretary-General to provide the Special Rapporteur with all the assistance necessary in order to allow him to complete his work.

[See chap. XV.]

1996/109. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 52nd meeting, on 19 April 1996, the Commission on Human Rights, taking note of decision 1995/118 of 24 August 1995, and recalling resolutions 1989/38 of 1 September 1989 and 1990/28 of 31 August 1990 and decisions 1991/11 of 29 August 1991, 1992/110 of 27 August 1992 and 1994/116 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the recommendation of the Sub-Commission to request the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit a third report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group at its fourteenth session and to the Sub-Commission at its forty-eighth session and a final report to both bodies at their fifteenth and forty-ninth sessions respectively. The Commission also decided, without a vote, to request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to continue and conclude his study, in particular by providing for specialized research assistance and for the necessary visits to Geneva for consultation with the Centre for Human Rights, and the resources necessary for a field mission to examine in situ the contemporary significance of a historic treaty in one country, to be determined in consultation with the Government concerned, as a practical example for inclusion in the final report.

[See chap. XXIII.]

1996/110. Organization of the work of the fifty-third session

At its 60th meeting, on 23 April 1996, the Commission decided, without a vote, in the light of the positive experience gained by rescheduling the dates of the fifty-second session on a one-year trial basis, to recommend to the Economic and Social Council, pursuant to the Council's decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, that the dates for the Commission's annual regular session be rescheduled to take place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-third session be rescheduled to take place from 10 March to 18 April 1997.

[See chap. III.]

1996/111. Organization of the work of the fifty-third session

At its 60th meeting, on 23 April 1996, the Commission, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to fifty-second sessions, decided, without a vote:

(a) To recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 40 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-third session;

(b) To request the Chairman of the Commission at its fifty-third session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Economic and Social Council might authorize would be utilized only if such meetings proved to be absolutely necessary.

[See chap. III.]

1996/112. Question of human rights in Cyprus

At its 60th meeting, on 23 April 1996, the Commission decided, without a vote, to retain on its agenda item 10 (a), entitled "Question of human rights in Cyprus", it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. X.]

1996/113. Organization of the work of the fifty-third session

At its 61st meeting, on 24 April 1996, the Commission decided, without a vote, that, unless otherwise indicated in the resolutions adopted at the fifty-second session, all continuing thematic or country-oriented mandates established by the Commission and entrusted to special rapporteurs, special representatives, independent experts and working groups are expected to report to the fifty-third session, even if the relevant resolutions do not make explicit reference to that reporting obligation.

[See chap. III.]

1996/114. Organization of work

At its 62nd meeting, on 24 April 1996, the Commission decided, without a vote, to defer consideration of draft decision E/CN.4/1996/L.2, entitled "Organization of work", to its fifty-third session.

[See chap. III.]

III. ORGANIZATION OF THE WORK OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its fifty-second session at the United Nations Office at Geneva from 18 March to 26 April 1996. It held 64 meetings (E/CN.4/1996/SR.1-64) 1/ during the session.

2. The session was opened by Mr. Musa bin Hitam, Chairman of the Commission at its fifty-first session, who made a statement. The Secretary-General also addressed the Commission at its 1st meeting.

B. Attendance

3. The session was attended by representatives of States members of the Commission, by Observers for other States Members of the United Nations, by Observers for non-member States and by representatives of the specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I to the present report.

C. Election of officers

4. At its 1st meeting, on 18 March 1996, the Commission elected the following officers by acclamation:

Chairman: Mr. Gilberto V. Saboia (Brazil)

Vice-Chairmen: Mr. Emmanuel Mba Allo (Gabon)
Mr. Volodymyr Vassylenko (Ukraine)
Mr. Léonard H. Légault (Canada)

Rapporteur: Mr. Rajamony Venu (India)

D. Agenda

5. Also at its 1st meeting, the Commission had before it the provisional agenda of the fifty-second session (E/CN.4/1996/1 and Corr.1, E/CN.4/1996/1/Add.1 and Corr.1 and 2 and Add.2), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the provisional agenda considered by the Commission at its fifty-first session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. At its 20th meeting, on 1 April 1996, the Commission decided, on the recommendation of its officers, to amend the provisional agenda as follows: a new item entitled "Indigenous issues" was added as item 23. Items 23 and 24 of the provisional agenda were accordingly renumbered as items 24 and 25, respectively. For the text of the decision as adopted, see chapter II, section B, decision 1996/102.

7. The agenda, as amended (E/CN.4/1996/1/Rev.1), was adopted without a vote. For the text as adopted, see annex II to the present report.

8. At the 20th meeting, on 1 April 1996, the representative of Denmark made a statement.

E. Organization of work

9. At its 2nd and 3rd meetings, on 19 March, at its 18th meeting, on 29 March, at its 28th meeting, on 9 April, at its 51st meeting, on 19 April, at its 58th and 60th meetings, on 23 April, at its 62nd meeting, on 24 April, and at its 63rd meeting, on 26 April 1996, the Commission considered the organization of its work.

10. For the documents issued under agenda item 3, see annex IV to the present report.

11. Bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers that the following agenda items should be considered concurrently: items 4 and 7; items 5, 6, 13 and 14; items 11, 16 and 18; and items 9 and 17. The Commission further agreed to consider the agenda items in the following order: 3; 4, 7; 12; 5, 6, 13, 14; 3, 10 (in respect of Burundi); 11, 16, 18; 15; 8; 23; 9, 17; 10 (b); 10; 20; 21; 19; 22; 24; 25.

12. At its 2nd meeting, on 19 March 1996, the Commission accepted the recommendation of its officers regarding limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 10 minutes or two statements of 5 minutes per item or group of items. Observers and non-governmental organizations were limited to one statement of 5 minutes per item or group of items. Observer States and national liberation movements mentioned in reports submitted to the Commission were limited to one statement of 5 minutes under the item concerned. It was also agreed that, with regard to rights of reply, a limitation to two replies, 3 minutes for the first and 2 minutes for the second, at the end of the day, would be observed.

13. It was also recommended that guest speakers should limit their statements to 10-15 minutes. Special rapporteurs, independent experts and chairpersons of working groups should limit their initial statements to 10 minutes and their concluding remarks, if necessary, to 5 minutes.

14. At the same meeting, on the recommendation of its officers, the Commission decided to invite a number of experts, special rapporteurs, special representatives and chairmen-rapporteurs of working groups to participate in the meetings at which their reports were to be considered.

15. For the text of the decision as adopted, see chapter II, section B, decision 1996/101.

16. In the general debate on agenda item 3, statements 2/ were made by the following members of the Commission: Algeria (2nd), Angola (2nd), Australia (3rd), Bangladesh (2nd), Bhutan (2nd), Canada (3rd), China (2nd), Cuba (2nd), Denmark (2nd), India (2nd), Indonesia (2nd), Mauritania (2nd), Netherlands (2nd), Pakistan (2nd), Sri Lanka (2nd).

17. At the 28th meeting, on 9 April 1996, Mr. José Ayala Lasso, United Nations High Commissioner for Human Rights, introduced his report (E/CN.4/1996/103) in connection with agenda items 3 and 21. At the same meeting, statements were made by the representatives of Canada and India.

18. At its 51st meeting, on 19 April 1996, the Commission took up consideration of draft decision E/CN.4/1996/L.2, entitled "Organization of work", sponsored by Algeria, Angola, Bangladesh, China, Cuba, India, Indonesia, Iran (Islamic Republic of), Malaysia, Pakistan, the Philippines, Sri Lanka, Thailand and Viet Nam. Bhutan, Dominica, Egypt, Equatorial Guinea, Iraq, Jordan, Nigeria and Singapore subsequently joined the sponsors.

19. At the request of the representative of Sri Lanka, consideration of draft decision E/CN.4/1996/L.2 was postponed. Statements were made by the representatives of Algeria, Bangladesh, China, Cuba and India.

20. At its 58th meeting, on 23 April 1996, the Commission decided again to postpone consideration of draft decision E/CN.4/1996/L.2, at the request of the representative of Sri Lanka.

21. At the 62nd meeting, on 24 April 1996, the Chairman made the following statement in connection with draft decision E/CN.4/1996/L.2:

> "In the course of the current session delegations have expressed the view that a more concerted and systematic effort should be made to ensure that decisions of the Commission are taken on the basis of the broadest possible support and, whenever possible, without a vote. Resolutions and decisions adopted by consensus not only carry more weight, morally and politically, as representing the position of the entire membership, but they also are often more effective in engaging the cooperation of the States and parties concerned in looking for durable solutions of human rights issues.
>
> "Preference for consensus does not mean a change of the rules of procedure of the Commission nor the elimination of voting as an acceptable way of taking decisions when there clearly is no possibility of reaching consensus.
>
> "Transparency with regard to all initiatives, including draft resolutions and decisions, as well as amendments, is a recognized procedure for facilitating dialogue and understanding between interested delegations and groups and reducing the level of confrontation and politicization of the Commission. At the current session there has been an increased effort towards more openness and dialogue among delegations, resulting in the adoption of resolutions and decisions by consensus.
>
> "After consultations with interested delegations, the Chairman wishes to express his satisfaction that there is a general agreement with regard to the need to continue efforts for promoting consensus, dialogue and transparency and with a view to reducing the level of politicization

of the Commission. These efforts could be facilitated by holding frequent informal meetings among delegations of different groups between sessions as well as during sessions.

"It is my understanding that the co-sponsors of the draft decision contained in document E/CN.4/1996/L.2 would not insist on action on the draft decision this year."

22. The representative of Sri Lanka made a statement on behalf of the sponsors of draft decision E/CN.4/1996/L.2, proposing the deferral of consideration of the draft decision until the fifty-third session of the Commission.

23. The Commission decided, without a vote, to defer consideration of draft decision E/CN.4/1996/L.2 until its fifty-third session. For the text of the decision as adopted, see chapter II, section B, decision 1996/114.

Situation of human rights in Colombia

24. At the 60th meeting, on 23 April 1996, the Chairman made the following statement on the situation of human rights in Colombia:

"The Commission on Human Rights is deeply concerned that the situation of endemic violence affecting many parts of the country and the confrontation between government and guerrilla groups have resulted in serious consequences for human rights in the country.

"The Commission on Human Rights acknowledges the efforts carried out by the Government in the field of human rights and its willingness to cooperate with the special rapporteurs and working groups; welcomes the collaboration provided by the Government of Colombia to the United Nations High Commissioner for Human Rights during the visit he paid to the country last year; and notes the establishment of a follow-up commission in charge of analysing and promoting the fulfilment of recommendations of the United Nations thematic rapporteurs and working groups, as well as of other international and regional organizations.

"The Commission on Human Rights is, however, deeply concerned about violations of the right to life, as extensively evidenced in the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Thousands of lives are lost every year as a result of various acts of violence, especially in the context of the armed conflict between the Government and the guerrillas, as well as by the action of paramilitary groups. Such conflict entails serious and continuous abuses and violations of humanitarian law by both State agents and guerrilla groups, the latter persisting in prohibited practices such as the taking of civilian hostages.

"The Commission on Human Rights acknowledges that the Government of Colombia has taken steps for the application of humanitarian standards in the conflict, *inter alia* by an agreement with the International Committee of the Red Cross to facilitate its humanitarian activities in the country.

"The Commission on Human Rights remains deeply preoccupied by the large number of cases of disappearances, as shown in the report of the Working Group on Enforced or Involuntary Disappearances. The application at the national level of the Declaration on the Protection of All Persons from Enforced Disappearance faces several obstacles, generating impunity.

"The Commission on Human Rights, while taking note of the intention manifested by the Government of Colombia to undertake efforts in order to enhance the rule of law, calls for the urgent adoption of more effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in accordance with article 3 of the Declaration.

"The Commission on Human Rights remains concerned about the alarming level of impunity, in particular concerning abuses by State agents that presently fall under the jurisdiction of military courts; it encourages the Government of Colombia to continue and conclude the process of reform of the military penal code in accordance with the recommendations made by the thematic rapporteur, in particular as far as the exclusion from the jurisdiction of military courts of crimes against humanity is concerned. It takes note of the establishment of a human rights unit in the Office of the National Prosecutor with competence to investigate and indict State agents, guerrillas and members of paramilitary groups responsible for violations of human rights or humanitarian law.

"The Commission on Human Rights is deeply concerned also about the persistence of the practice of torture. The report of the Special Rapporteur on the question of torture shows that the steps taken by the Government of Colombia have not resulted in a tangible improvement of the overall situation, and that the crime of torture is hardly punished. The information before the Committee against Torture indicates that the law in Colombia is not yet in accordance with several obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

"The Commission on Human Rights urges the Government of Colombia to continue strengthening ordinary justice versus special systems of justice, the misuse of which can lead to serious violations of human rights. The competence of the courts of regional jurisdiction should be limited, and should in no instance be applied to acts of legitimate political dissent and social protest. In no instance should defendants before regional courts be denied a fair trial.

"The Commission on Human Rights - while encouraging the work of the special commission set up by the Government of Colombia for the follow-up and implementation of the recommendations of the thematic rapporteurs - considers that the implementation of such recommendations and those of working groups is still not sufficient and that the human rights situation has not improved significantly, and recalls the resolution adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in August 1995.

> "The Commission on Human Rights requests the United Nations High Commissioner for Human Rights to proceed, upon the initiative of the Government of Colombia and the identification of adequate sources of financing, to establish at the earliest possible date a permanent office in Colombia with the mandate to assist the Colombian authorities in developing policies and programmes for the promotion and protection of human rights and to observe violations of human rights in the country, making analytical reports to the High Commissioner; it requests the High Commissioner to report to the Commission at its fifty-third session on the setting up of the office and on the activities carried out by it in implementing the above mandate."

Situation of human rights in Liberia

25. At the 62nd meeting, on 24 April 1996, the Chairman made the following statement on the situation of human rights in Liberia:

> "The Commission on Human Rights, meeting in Geneva from 18 March to 26 April 1996, views with grave concern the deterioration of the political, economic and social situation in Liberia. It deplores the indiscriminate destruction of life, limb and property which has necessitated, inter alia, the evacuation of foreign nationals, including United Nations personnel and that of humanitarian agencies, from Liberia.
>
> "The Commission further considers it unacceptable that, in spite of the various agreements signed by the warring factions committing themselves to a cease-fire and the pursuit of an agreed peace process, there is an increasing resort to arms in the settlement of differences.
>
> "In view of the adverse consequences of this situation on the enjoyment of human rights by the people of Liberia, the Commission calls upon all the Liberian parties to respect and implement fully and expeditiously all the agreements and commitments they have already entered into, in particular the provisions of the Abuja Agreement with regard to the maintenance of the cease-fire, disarmament and demobilization of combatants and national reconciliation.
>
> "In this regard, the Commission also wishes to recall all previous Security Council resolutions concerning the situation in Liberia, in particular resolution 1041 (1996) of 29 January 1996, and appeals to all actors to multiply their efforts with a view to bringing the warring factions to live up to their commitments and to exercise the utmost restraint in the interest of peace.
>
> "The Commission calls upon all States of the United Nations system and intergovernmental and non-governmental organizations to provide Liberia with technical and financial assistance to cope with the humanitarian situation and to provide the Economic Community of West African States Monitoring Group (ECOMOG) with the necessary logistical and financial support to enable it to carry out its mandate, particularly with respect to disarmament of the Liberian factions.
>
> "The Commission decides to remain seized of the matter."

Organization of work of the fifty-third session of the Commission

26. At its 60th meeting, on 23 April 1996, the Commission, in accordance with decisions 1994/297 and 1995/296 of the Economic and Social Council, decided to recommend to the Council that the fifty-third session of the Commission be scheduled from 10 March to 18 April 1997.

27. For the text of the decision as adopted, see chapter II, section B, decision 1996/110.

28. At the same meeting, the Chairman orally proposed a draft decision concerning the organization of work for the fifty-third session of the Commission. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1996/111.

29. At its 61st meeting, on 24 April 1996, the Commission decided, without a vote, that, unless otherwise indicated in the resolutions adopted at its fifty-second session, all continuing thematic or country-oriented mandates established by the Commission and entrusted to special rapporteurs, special representatives, independent experts and working groups were expected to report to the Commission at its fifty-third session, irrespective of whether the relevant resolutions made explicit reference to that reporting obligation or not.

30. For the text of the decision as adopted, see chapter II, section B, decision 1996/113.

F. Meetings, resolutions and documentation

31. As indicated in paragraph 1 above, the Commission held 64 fully serviced meetings, including 11 additional meetings, authorized by Economic and Social Council decision 1995/301 of 25 July 1995. Two meetings were extended to the equivalent of two further additional meetings.

32. The resolutions and decisions adopted by the Commission at its fifty-second session are contained in chapter II of the present report. For details regarding their adoption, see annex V. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I.

33. Annex III contains a statement regarding the administrative and programme budget implications of resolutions and decisions adopted by the Commission at its fifty-second session.

34. Annex IV contains a list of documents issued for the fifty-second session of the Commission.

G. Visits

35. During its fifty-second session, the Commission heard statements by the following guest speakers: 1/

(a) At the 2nd meeting, on 19 March 1996: Mr. José Ayala Lasso, United Nations High Commissioner for Human Rights; Ms. Susanna Agnelli, Minister for Foreign Affairs of Italy (on behalf of the European Union); Mr. Pierre Schori, Minister of International Cooperation and Deputy Minister for Foreign Affairs of Sweden, in connection with whose statement a statement in exercise of the right of reply was made by the representative of China;

(b) At the 3rd meeting, on 19 March 1996: Mr. Xavier Emmanuelli, Secretary of State for Urgent Humanitarian Action of France;

(c) At the 4th meeting, on 20 March 1996: Mr. Salman Khurshid, Minister of State for External Affairs of India; Ms. Sadako Ogata, United Nations High Commissioner for Refugees;

(d) At the 5th meeting, on 20 March 1996: Ms. Madeleine Albright, Permanent Representative of the United States of America to the United Nations, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representatives of China and Cuba and by the Observer for Iraq;

(e) At the 6th meeting, on 21 March 1996: Mr. Carlos Eduardo Hermoza-Moya, Minister of Justice of Peru; Mr. Serhiy Holovaty, Minister of Justice of Ukraine; Mr. Albert Rohan, Secretary-General for Foreign Affairs of Austria;

(f) At the 7th meeting, on 21 March 1996: Mr. Sergio González Galvez, Deputy Minister for Foreign Affairs of Mexico; a statement in exercise of the equivalent of the right of reply was made by the Observer for the Islamic Republic of Iran;

(g) At the 8th meeting, on 22 March 1996: Mr. Niels Helveg Petersen, Minister for Foreign Affairs of Denmark;

(h) At the 10th meeting, on 25 March 1996: Mr. Nelson Jobim, Minister of Justice of Brazil;

(i) At the 12th meeting, on 26 March 1996, Mr. Sardar Aseff Ahmad Ali, Minister for Foreign Affairs of Pakistan, in connection with whose statement a statement in exercise of the right of reply was made by the representative of India (13th), followed by a statement in exercise of the right of reply by the representative of Pakistan (17th); Mr. Nicholas Bonsor, Minister of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the Observer for Iraq (13th);

(j) At the 13th meeting, on 26 March 1996: Ms. Tarja Halonen, Minister for Foreign Affairs of Finland;

(k) At the 15th meeting, on 27 March 1996: Ms. Marcienne Mujawaha, Minister for Human Rights of Burundi;

(l) At the 22nd meeting, on 2 April 1996, Mr. Stephen Lewis, Deputy Executive Director of the United Nations Children's Fund;

(m) At the 24th meeting, on 3 April 1996: Mr. Lloyd Axworthy, Minister for Foreign Affairs of Canada, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the Observer for Nigeria (25th);

(n) At the 26th meeting, on 4 April 1996: Mr. Kilroy Genia, Minister for Public Service of Papua New Guinea; Mr. Ephrem Seth Dorkenoo, Minister for Human Rights of Togo;

(o) At the 31st meeting, on 10 April 1996: Mr. Peter Piot, Executive Director of the Joint United Nations Programme on HIV/AIDS (UNAIDS); Mr. Pierre Max Antoine, Minister of Justice and Public Security of Haiti; Mr. Roberto Robaina González, Minister for Foreign Affairs of Cuba, in connection with whose statement a statement in exercise of the right of reply was made by the representative of the United States of America (32nd), followed by a statement in exercise of the right of reply by the representative of Cuba (32nd);

(p) At the 34th meeting, on 11 April 1996: Mr. Eduardo Stein Barillas, Minister for Foreign Affairs of Guatemala;

(q) At the 39th meeting, on 15 April 1996: Mr. Joseph N'Singa Ujuu, Minister of Justice of Zaire; Mr. Ivan Simonovic, Deputy Minister for Foreign Affairs of Croatia; Mr. Hamid Algabid, Secretary-General of the Organization of the Islamic Conference, in connection with whose statement statements in exercise of the right of reply were made by the representatives of India (41st) and Pakistan (41st);

(r) At the 40th meeting, on 15 April 1996: Mr. Dariusz Rosati, Minister for Foreign Affairs of Poland;

(s) At the 42nd meeting, on 16 April 1996: Mr. Klaus Kinkel, Minister for Foreign Affairs of Germany, in connection with whose statement a statement in exercise of the right of reply was made by the representative of China (44th), followed by a statement in exercise of the right of reply by the representative of Germany (46th);

(t) At the 43rd meeting, on 16 April 1996: Mr. Hilmo Pasic, Minister of Justice of Bosnia and Herzegovina;

(u) At the 45th meeting, on 17 April 1996: Ms. Andrea Willi, Minister for Foreign Affairs of Liechtenstein; Mr. Vardan Oskanian, Deputy Minister for Foreign Affairs of Armenia; Mr. Abdel Aziz Shiddo, Minister of Justice of the Sudan;

(v) At the 48th meeting, on 18 April 1996: Mr. Uladzimir Syanko, Minister for Foreign Affairs of Belarus; Mr. Flavio Cotti, Federal Councillor, Chief, Swiss Federal Department for Foreign Affairs and Chairman-in-Office of the Organization for Security and Cooperation in Europe;

(w) At the 49th meeting, on 18 April 1996: Mr. Víctor Hugo Cárdenas, Vice-President of Bolivia;

(x) At the 54th meeting, on 22 April 1996: Mr. Franciso J. Ngomo Mbengono, Vice Prime Minister of Equatorial Guinea; Mr. Farooq Sobhan, Foreign Secretary of Bangladesh.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

36. The Commission considered agenda item 4 concurrently with item 7 (see chap. VII) at its 3rd to 8th meetings, from 19 to 22 March, and at its 34th meeting, on 11 April 1996. 1/

37. For the documents issued under agenda item 4, see annex IV to the present report.

38. At the 3rd meeting, on 19 March 1996, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. Hannu Halinen, introduced his report (E/CN.4/1996/18). At the 6th meeting, on 21 March 1996, the Special Rapporteur made his concluding remarks.

39. In the general debate on agenda item 4, statements 2/ were made by the following members of the Commission: Algeria (5th), Australia (7th), Bangladesh (7th), Canada (6th), China (3rd), Cuba (6th), Egypt (4th), Indonesia (7th), Italy (5th), Japan (6th), Malaysia (6th), Mauritania (7th), Nicaragua (7th), Pakistan (4th), Republic of Korea (6th), Russian Federation (6th), United States of America (6th).

40. The Commission heard statements by the observers for: Iran (Islamic Republic of) (6th), Israel (3rd), Jordan (3rd), Morocco (5th), Norway (5th), Senegal (3rd), Sudan (3rd), Syrian Arab Republic (3rd), Yemen (4th). The Observer for Palestine also made a statement (3rd).

41. The Commission also heard statements by the following non-governmental organizations: Amnesty International (3rd), International Commission of Jurists (5th), International Human Rights Law Group (5th), International Indian Treaty Council (4th), Indigenous World Association (3rd), Pax Christi International (4th), World Islamic Call Society (5th), World Jewish Congress (6th), World Organization against Torture (4th).

42. Statements in exercise of the equivalent of the right of reply were made by the observers for the Islamic Republic of Iran (7th) and Israel (7th). The Observer for Palestine also made a statement (7th).

43. At its 34th meeting, on 11 April 1996, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

Human rights in the occupied Syrian Golan

44. The Observer for the Syrian Arab Republic introduced draft resolution E/CN.4/1996/L.3, sponsored by Algeria, Egypt, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Oman, Qatar, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. Bahrain, Bangladesh, Cuba, Indonesia, Malaysia, Pakistan and Saudi Arabia subsequently joined the sponsors.

45. Statements in explanation of vote before the vote were made by the representatives of Italy and the United States of America.

46. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 22 votes to 1, with 29 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, Chile, China, Colombia, Cuba, Egypt, Ethiopia, India, Indonesia, Malaysia, Mauritania, Mexico, Nepal, Pakistan, Philippines, Republic of Korea, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Angola, Australia, Austria, Belarus, Benin, Brazil, Bulgaria, Cameroon, Canada, Côte d'Ivoire, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Germany, Guinea, Hungary, Italy, Japan, Madagascar, Mali, Netherlands, Nicaragua, Peru, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland.

47. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/2.

Question of the violation of human rights in the occupied Arab territories, including Palestine

48. The representative of Mauritania introduced draft resolution E/CN.4/1996/L.6, sponsored by Algeria, Bahrain, China, Cuba, Egypt, Indonesia, Jordan, Malaysia, Mauritania, Oman, Qatar, the Sudan, Tunisia, the United Arab Emirates and Yemen. Morocco subsequently joined the sponsors.

49. A statement in explanation of vote before the vote was made by the representative of Mexico.

50. The representative of the United States of America requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 27 votes to 2, with 23 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, Brazil, Chile, China, Colombia, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Malaysia, Mali, Mauritania, Mexico, Nepal, Pakistan, Peru, Philippines, Republic of Korea, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Russian Federation, United States of America.

Abstaining: Angola, Australia, Austria, Belarus, Benin, Bulgaria, Cameroon, Canada, Côte d'Ivoire, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Hungary, Italy, Japan, Madagascar, Netherlands, Nicaragua, Ukraine, United Kingdom of Great Britain and Northern Ireland.

51. A statement in explanation of vote after the vote was made by the representative of the Russian Federation.

52. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/3.

Israeli settlements in the occupied Arab territories

53. The representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.12, sponsored by Australia, Austria, Belgium, Cyprus, the Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Canada and New Zealand subsequently joined the sponsors.

54. At the request of the representative of the United States of America, a vote by show of hands was taken on the draft resolution, which was adopted by 49 votes to 1, with 3 abstentions.

55. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/4.

V. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

56. The Commission considered agenda item 5 concurrently with items 6, 13 and 14 (see chaps. VI, XIII and XIV) at its 11th to 18th meetings, from 25 to 29 March, at its 34th and 35th meetings, on 11 April, at its 51st meeting, on 19 April, and at its 58th meeting, on 23 April 1996. 1/

57. For the documents issued under agenda item 5, see annex IV to the present report.

58. In the general debate on agenda item 5, statements 2/ were made by the following members of the Commission: Australia (17th), Benin (11th), Bhutan (16th), Brazil (16th), Chile (14th), China (12th), Côte d'Ivoire (12th), Cuba (11th and 16th), Gabon (11th), India (16th), Italy (on behalf of the European Union) (16th), Malaysia (16th), Mexico (14th), Nepal (17th), Netherlands (16th), Nicaragua (17th), Peru (14th), Republic of Korea (17th), Russian Federation (16th), Sri Lanka (13th), Ukraine (17th).

59. The Commission heard statements by the observers for: Costa Rica (16th), Iran (Islamic Republic of) (14th), Kenya (18th), Nigeria (18th), Poland (12th), Portugal (16th), Senegal (16th), Sudan (12th), United Republic of Tanzania (16th). The Observer for the United Nations Environment Programme also made a statement (14th).

60. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (12th), American Association of Jurists (11th), American Association of Retired Persons (18th), Asian Buddhist Conference for Peace (14th), African Commission of Health and Human Rights Promoters (17th), Centre Europe-Tiers Monde (11th), Commission for the Defense of Human Rights in Central America (11th), Four Directions Council (14th), Indigenous World Association (14th), International Association against Torture (13th), International Association of Educators for World Peace (18th), International Commission of Jurists (11th), International Confederation of Free Trade Unions (17th), International Federation of Social Workers (13th), International Federation Terre des Hommes (11th), International Humanist and Ethical Union (11th), International Indian Treaty Council (14th), International Institute for Non-Aligned Studies (13th), International League for the Rights and Liberation of Peoples (12th), International Movement ATD Fourth World (12th), International Organization for

the Development of Freedom of Education (12th), Liberation (14th), Movement against Racism and for Friendship among Peoples (12th), Sierra Club Legal Defense Fund, Inc. (13th), United Towns Agency for North-South Cooperation (12th), Women's International League for Peace and Freedom (17th), World Conference on Religion and Peace (17th), World Federation of Democratic Youth (13th), World Organization against Torture (17th), World Peace Council (13th), Zonta International (12th).

61. Statements in exercise of the right of reply or its equivalent were made by the representatives of Cuba (11th) and the United States of America (11th) and by the Observer for Bolivia (17th).

Human rights and unilateral coercive measures

62. At the 34th meeting, on 11 April 1996, the representative of Colombia introduced draft resolution E/CN.4/1996/L.5, sponsored by China and Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries).

63. Sponsors orally revised the draft resolution by inserting in the list of sponsors, after "Non-Aligned Countries", an additional footnote reading "With the exception of Côte d'Ivoire, Cyprus and South Africa". Statements in this regard were made by the representatives of Canada, Colombia, Côte d'Ivoire, Cuba and France.

64. The representative of the United States of America requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted, as orally revised, by 32 votes to 14, with 7 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Cuba, Ecuador, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Australia, Austria, Bulgaria, Canada, Denmark, France, Germany, Hungary, Italy, Japan, Netherlands, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belarus, Côte d'Ivoire, Dominican Republic, El Salvador, Madagascar, Russian Federation, Ukraine.

65. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/9.

Human rights and extreme poverty

66. At the 34th meeting, on 11 April 1996, the representative of France introduced draft resolution E/CN.4/1996/L.18, sponsored by Afghanistan, Algeria, Argentina, Austria, Belgium, Benin, Canada, Chile, Colombia, Costa Rica, Cuba, Cyprus, Denmark, El Salvador, Ethiopia, France, Germany,

Greece, Guatemala, Honduras, Ireland, Israel, Italy, Madagascar, Malawi, Mauritius, Mexico, Mongolia, Nicaragua, Nigeria, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, South Africa, Switzerland, Ukraine and Venezuela. Angola, Australia, Bangladesh, Cameroon, Côte d'Ivoire, the Czech Republic, Ecuador, Egypt, Equatorial Guinea, Finland, Mali, Morocco, Nepal, Pakistan, the Republic of Korea, Uganda, Uruguay and Zimbabwe subsequently joined the sponsors.

67. The draft resolution was orally revised by the representative of France as follows:

(a) In the seventh preambular paragraph, the words "General Assembly resolutions 48/719" were replaced by "General Assembly resolutions 48/183";

(b) In the eleventh preambular paragraph, after the words "and eradicating absolute poverty", the words "by a target date to be specified by each country" were inserted.

68. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

69. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/10.

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

70. At the 35th meeting, on 11 April 1996, the Observer for Kenya introduced draft resolution E/CN.4/1996/L.17/Rev.1, sponsored by Algeria, Angola, Benin, Cameroon, Côte d'Ivoire, Cuba, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Honduras, Iraq, Kenya, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Morocco, Nigeria, Rwanda, Senegal, the Sudan, Togo, Tunisia, Uganda, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe. Bangladesh, Lebanon and South Africa subsequently joined the sponsors.

71. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

72. Statements in explanation of vote before the vote were made by the representatives of Italy (on behalf of the European Union), Mexico, Ukraine and the United States of America.

73. At the request of the representative of Italy, a roll-call vote was taken on the draft resolution, which was adopted by 32 votes to 16, with 3 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Mali, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Australia, Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Hungary, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Malaysia, Philippines, Republic of Korea.

74. At the 58th meeting, on 23 April 1996, the representative of Japan made a statement in explanation of vote after the vote.

75. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/14.

Economic, social and cultural rights

76. At the 35th meeting, on 11 April 1996, the Observer for Portugal introduced draft resolution E/CN.4/1996/L.19, sponsored by Austria, Belgium, Bulgaria, Chile, Costa Rica, the Czech Republic, Denmark, Ecuador, El Salvador, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Madagascar, the Netherlands, Norway, Peru, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Senegal, Slovakia, Spain, Sweden, Switzerland, Tunisia and Ukraine. Belarus, Cameroon, Canada, Colombia, Equatorial Guinea, Germany, Honduras, Mexico, Nepal, the Philippines, the United Kingdom of Great Britain and Northern Ireland and Zimbabwe subsequently joined the sponsors.

77. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

78. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/11.

Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt

79. At the 35th meeting, on 11 April 1996, the representative of Cuba introduced draft resolution E/CN.4/1996/L.20, sponsored by Angola, Benin, China, Cuba, the Democratic People's Republic of Korea, Egypt, Equatorial Guinea, Ghana, Haiti, Iran (Islamic Republic of), Iraq, the Libyan Arab Jamahiriya, Nigeria, the Philippines, the Sudan, the Syrian Arab Republic, the United Republic of Tanzania and Venezuela. Cameroon, Côte d'Ivoire, Honduras, Madagascar, Uganda and Viet Nam subsequently joined the sponsors.

80. The representative of Cuba orally revised the draft resolution as follows:

(a) In operative paragraph 3, after the words "or debt service", the phrase "and consideration of other possible specific forms and means of resolving the external debt problem of the developing countries, including rescheduling agreements," was inserted;

(b) Operative paragraph 8, which read: "Requests the Working Group on the Right to Development to continue its work, paying special attention to the social repercussions of the policies adopted to face the effects of external debt on the realization of economic, social and cultural rights, and to make recommendations in this regard;", was replaced by a new text.

81. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 34 votes to 16, with 1 abstention. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Australia, Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Hungary, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Republic of Korea.

82. At the 58th meeting, on 23 April 1996, the representative of Japan made a statement in explanation of vote after the vote.

83. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/12.

Effects on the full enjoyment of human rights of structural adjustment programmes

84. At its 35th meeting, on 11 April 1996, the Commission considered draft decision 5, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

85. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

86. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote. At the request of the representative of Cuba, a vote by show of hands was taken on the draft decision, which was adopted by 34 votes to 16, with 1 abstention.

87. For the text of the decision as adopted, see chapter II, section B, decision 1996/103.

Forced evictions

88. At the 35th meeting, on 11 April 1996, the representative of Germany introduced draft decision E/CN.4/1996/L.21, sponsored by Canada, Germany, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Japan subsequently joined the sponsors.

89. The representative of Cuba orally amended the draft decision by substituting a new text for the text reading as follows, after the words "April 1996": "to request the Sub-Commission to reconsider, in the light of the conclusions of the United Nations Conference on Human Settlements (Habitat II), to be held in Istanbul in June 1996, its recommendation to convene an expert seminar on the practice of forced evictions with a view to developing comprehensive human rights guidelines on development-based displacement".

90. A statement in connection with the proposed amendment was made by the representative of the Netherlands.

91. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

92. The sponsors of the draft decision requested a vote by show of hands on the proposed amendment, which was adopted by 20 votes to 18, with 11 abstentions.

93. Cuba joined the sponsors. Canada, Germany, Japan, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America withdrew as sponsors.

94. Statements in connection with the draft decision, as amended, were made by the representatives of Cuba and the Netherlands.

95. At the request of the representatives of Germany and the Netherlands, a vote by show of hands was taken on the draft decision, as amended, which was adopted by 22 votes to 18, with 9 abstentions.

96. For the text of the decision as adopted, see chapter II, section B, decision 1996/104.

97. In view of the adoption of decision 1996/104, the Commission took no action on draft decision 4, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

Human rights and the environment

98. At the 35th meeting, on 11 April 1996, the representative of Gabon introduced draft resolution E/CN.4/1996/L.32, sponsored by Gabon (on behalf of the Group of African States). Venezuela subsequently joined the sponsors.

99. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/13.

Question of fundamental trade union and workers' rights

100. At its 34th meeting, on 11 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.16 at the request of the representative of the United States of America.

101. At its 51st meeting, on 19 April 1996, at the request of the representative of Cuba, the consideration of draft resolution E/CN.4/1996/L.16/Rev.2 was postponed.

102. At the 58th meeting, on 23 April 1996, the representative of the United States of America introduced draft resolution E/CN.4/1996/L.16/Rev.2, sponsored by Italy, Poland and the United States of America. Argentina, Australia, Canada, Denmark, the Dominican Republic, Germany, Hungary, Japan, the Russian Federation, Slovakia, Sweden, Ukraine and Uruguay subsequently joined the sponsors.

103. The draft resolution was orally revised by the representative of the United States of America as follows:

(a) A new operative paragraph 2 was added, the subsequent paragraphs being renumbered accordingly;

(b) A new text replaced former operative paragraph 3, which read as follows:

> "3. Calls upon States that have not yet done so to take the legislative and administrative steps to promote and protect the rights of workers, eliminate forced child labour, eradicate exploitation of child labour and address the issue of child labour through education, social support and alternative income-generating activities;"

(c) In new operative paragraph 5, after the words "international community", the words "relevant international institutions" were inserted;

(d) In new operative paragraph 7, after the words "to involve", the word "representative" was deleted.

104. Statements in connection with the draft resolution and the revisions were made by China, Cuba, India and the Philippines (on behalf of the Association of South-East Asian Nations).

105. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/60.

106. At the same meeting, the representative of Cuba withdrew his delegation's proposed amendments to draft resolution E/CN.4/1996/L.16 (E/CN.4/1996/L.85), which read as follows:

> "1. The last preambular paragraph should read as follows:
>
> > 'Regretting that serious violations of basic workers' rights have continued since then in many countries, in several of which such rights have to this day not been legally recognized,'.
>
> "2. After operative paragraph 1, add a new operative paragraph 2 reading as follows:
>
> > '2. Calls upon all States to take the necessary steps to include in their national or federal legislation, as required, legal recognition of the right to work as a basic human right and to ensure, in practice, the full realization of that right.'
>
> "3. Renumber existing operative paragraphs 2 to 4 accordingly.
>
> "4. Add a new operative paragraph 6 reading as follows:
>
> > '6. Requests all States to examine periodically the possibility of ratifying the international labour conventions of the International Labour Organisation concerning the right to organize and join trade unions, the length of the working day, protection of the safety and health of workers and social security.'"

VI. QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

107. The Commission considered agenda item 6 concurrently with items 5, 13 and 14 (see chaps. V, XIII and XIV) at its 11th to 18th meetings, from 25 to 29 March, and at its 35th meeting, on 11 April 1996. 1/

108. For the documents issued under agenda item 6, see annex IV to the present report.

109. At the 10th meeting, on 25 March 1996, the Chairman-Rapporteur of the Working Group on the Right to Development, Mr. Mohamed Ennaceur, introduced the reports of the Working Group on its fourth and fifth sessions (E/CN.4/1996/10 and E/CN.4/1996/24).

110. In the general debate on agenda item 6, statements 2/ were made by the following members of the Commission: Algeria (16th), Angola (18th), Australia (17th), Bangladesh (14th), Benin (11th), Bhutan (16th), Brazil (16th), Canada (16th), Chile (14th), China (12th), Colombia (11th), Cuba (16th), Egypt (11th), Ethiopia (12th), Gabon (11th), India (16th), Indonesia (16th), Italy (on behalf of the European Union) (16th), Malaysia (16th), Mauritania (14th), Mexico (14th), Nepal (17th), Netherlands (16th), Nicaragua (17th), Pakistan (18th), Peru (14th), Republic of Korea (17th), Russian Federation (16th), Sri Lanka (13th), Ukraine (17th), Venezuela (14th).

111. The Commission heard statements by the Observers for: Afghanistan (16th), Costa Rica (16th), Iran (Islamic Republic of) (14th), Iraq (16th), Kenya (18th), Morocco (12th), Nigeria (18th), Poland (12th), Portugal (16th), Senegal (16th), South Africa (14th), Sudan (12th), United Republic of Tanzania (16th).

112. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (12th), African Commission of Health and Human Rights Promoters (17th), All Pakistan Women's Association (18th), American Association of Jurists (11th), Asian Cultural Forum on Development (12th), Centre Europe-Tiers Monde (11th), Commission for the Defense of Human Rights in Central America (11th), Himalayan Research and Cultural Foundation (11th), International Association against Torture (13th), International Association of Educators for World Peace (18th), International Confederation of Free Trade Unions (17th), International Federation of Rural Adult Catholic Movements (17th), International Humanist and Ethical Union (11th), International Indian Treaty Council (14th), International Institute for Non-Aligned Studies (13th), International Institute for Peace (11th), Movement against Racism and for Friendship among Peoples (12th), Pax Christi International (11th), United Towns Agency for North-South Cooperation (12th), Women's International League for Peace and Freedom (17th), World Confederation on Religion and Peace (17th), World Federation of Democratic Youth (13th), World Muslim Congress (17th), World Organization against Torture (17th), World Peace Council (13th), World Society of Victimology (13th).

113. A statement in exercise of the equivalent of the right of reply was made by the Observer for Bolivia (17th).

114. At the 35th meeting, on 11 April 1996, the representative of Colombia introduced draft resolution E/CN.4/1996/L.23/Rev.1, sponsored by Argentina, Austria, Belgium, Brazil, Canada, China, Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries), Denmark, El Salvador, Finland, France, Germany, Ireland, Italy, Poland, Portugal, Spain, Switzerland and Uruguay. Australia, Costa Rica, Ecuador, Greece, Luxembourg, Mexico, Nepal, Norway, the former Yugoslav Republic of Macedonia and Ukraine subsequently joined the sponsors.

115. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

116. The draft resolution was adopted without a vote. The representatives of the Netherlands and the United States of America made statements in connection with the resolution after its adoption.

117. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/15.

VII. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

118. The Commission considered agenda item 7 concurrently with item 4 (see chap. IV) at its 4th to 8th meetings, from 20 to 22 March, and at its 34th meeting, on 11 April 1996. 1/

119. For the documents issued under agenda item 7, see annex IV to the present report.

120. At the 8th meeting, on 22 March 1996, the Special Rapporteur on the question of the use of mercenaries, Mr. Enrique Bernales Ballesteros, introduced his report (E/CN.4/1996/27).

121. In the general debate on agenda item 7, statements 2/ were made by the following members of the Commission: Algeria (5th), Australia (7th), Canada (6th), China (6th), Cuba (6th), India (6th), Indonesia (7th), Mauritania (7th), Pakistan (7th), Republic of Korea (6th), Russian Federation (6th), Ukraine (7th).

122. The Commission heard statements by the Observers for: Afghanistan (8th), Albania (8th), Iraq (6th), Norway (5th), Portugal (6th), South Africa (6th).

123. The Commission also heard statements by the following non-governmental organizations: Afro-Asian Peoples' Solidarity Organization (8th), American Association of Jurists (5th), Centre Europe-Tiers Monde (7th), France-Libertés: Fondation Danielle Mitterrand (5th), Himalayan Research and Cultural Foundation (7th), Indian Council of Education (8th), International Educational Development, Inc. (8th), International Indian Treaty Council (4th), International Institute for Peace (8th), International League for the Rights and Liberation of Peoples (8th), International Movement against All Forms of Discrimination and Racism (7th), Liberation (8th), Muslim World League (8th), Society for Threatened Peoples (8th), Women's International League for Peace and Freedom (4th), World Islamic Call Society (5th), World Jewish Congress (6th), World Muslim Congress (5th), World Peace Council (8th), World Society of Victimology (7th).

124. Statements in exercise of the right of reply or its equivalent were made by the representatives of China (5th), Cuba (5th), India (8th), Indonesia (7th), Pakistan (8th) and the United States of America (5th) and by the Observers for Iraq (5th), Morocco (7th, 8th), Portugal (7th) and Turkey (7th).

125. At its 34th meeting, on 11 April 1996, the Commission took up consideration of the draft resolutions submitted under agenda item 7.

Situation in occupied Palestine

126. The representative of Egypt introduced draft resolution E/CN.4/1996/L.7, sponsored by Algeria, Bahrain, China, Cuba, Egypt, Indonesia, Jordan, Malaysia, Mauritania, Oman, Pakistan, Qatar, the Sudan, Tunisia, the United Arab Emirates and Yemen. Morocco subsequently joined the sponsors.

127. The representative of the United States of America requested a vote. At the request of the representative of Egypt, a roll-call vote was taken on the draft resolution, which was adopted by 28 votes to 1, with 23 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, Brazil, Chile, China, Colombia, Côte d'Ivoire, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Malaysia, Mali, Mauritania, Mexico, Nepal, Pakistan, Peru, Philippines, Republic of Korea, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Angola, Australia, Austria, Belarus, Benin, Bulgaria, Cameroon, Canada, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Hungary, Italy, Japan, Madagascar, Netherlands, Nicaragua, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland.

128. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/5.

Question of Western Sahara

129. The Chairman introduced draft resolution E/CN.4/1996/L.8, submitted by the Chairman.

130. The draft resolution was adopted without a vote. The representative of Algeria and the Observer for Morocco made statements in connection with the resolution after its adoption.

131. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/6.

Middle East peace process

132. The representative of the United States of America introduced draft resolution E/CN.4/1996/L.9, sponsored by Albania, Argentina, Australia, Belarus, Belgium, Brazil, Bulgaria, Côte d'Ivoire, Denmark, Egypt, El Salvador, Germany, Hungary, Israel, Italy, Luxembourg, Nicaragua, Norway, Peru, the Republic of Korea, the Russian Federation, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. Algeria, Austria, Benin, Cameroon, Canada, Costa Rica, the Dominican Republic, Finland, Greece, Iceland, India, Ireland, Japan, Jordan, Latvia, Liechtenstein, Madagascar, Malaysia, Morocco, Nepal, the Netherlands, New Zealand, the Philippines, Romania, South Africa, Spain, Sweden and Tunisia subsequently joined the sponsors.

133. The draft resolution was adopted without a vote. The representative of France made a statement in connection with the resolution after its adoption.

134. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/7.

VIII. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

135. The Commission considered agenda item 8 and sub-items (a), (b), (c) and (d) at its 23rd to 29th meetings, from 2 to 9 April, at its 51st and 52nd meetings, on 19 April, and at its 58th meeting, on 23 April 1996. 1/

136. For the documents issued under agenda item 8 and sub-items (a), (b), (c) and (d), see annex IV to the present report.

137. At the 24th meeting, on 3 April 1996, the Special Rapporteur on the question of the independence of judges and lawyers, Mr. Param Cumaraswamy, introduced his report (E/CN.4/1996/37).

138. At the same meeting, the Chairman-Rapporteur of the Working Group on Arbitrary Detention, Mr. Louis Joinet, introduced the report of the Working Group (E/CN.4/1996/40 and Add.1). At the 27th meeting, on 4 April 1996, the Chairman-Rapporteur made his concluding remarks.

139. At the 28th meeting, on 9 April 1996, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, introduced his report (E/CN.4/1996/39 and Add.1 and 2).

140. In the general debate on agenda item 8, statements 2/ were made by the following members of the Commission: Algeria (25th), Australia (27th), Austria (26th), Belarus (26th), Brazil (27th), Chile (26th), Cuba (24th, 29th), Egypt (26th), India (28th), Indonesia (28th), Mexico (25th), Netherlands (28th), Pakistan (27th), Peru (28th), Republic of Korea (28th), Uganda (28th).

141. The Commission heard statements by the Observers for: Afghanistan (25th), Bolivia (24th), Iran (Islamic Republic of) (26th), Norway (26th), Saudi Arabia (28th), Tunisia (27th). Statements were also made by the Observers for Switzerland (24th), the International Committee of the Red Cross (24th) and the Joint United Nations Programme on HIV/AIDS (UNAIDS) (26th).

142. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (29th), Afro-Asian People's Solidarity Organization (28th), All Pakistan Women's Association (26th), American Association of Jurists (25th), Andean Commission of Jurists (27th), Arab Organization for Human Rights (23rd), Article XIX: The International Centre against Censorship (25th), Asian Cultural Forum on

Development (29th), Commission for the Defense of Human Rights in Central America (25th), Federation of Associations of Former International Civil Servants (25th), France-Libertés: Fondation Danielle Mitterrand (23rd), Indigenous World Association (25th), International Association against Torture (23rd), International Association of Democratic Lawyers (25th), International Association of Educators for World Peace (29th), International Commission of Jurists (25th), International Confederation of Free Trade Unions (27th), International Federation of ACAT (Action of Christians for the Abolition of Torture) (26th), International Federation of Human Rights (23rd), International Human Rights Association of American Minorities (25th), International Indian Treaty Council (27th), International Institute for Peace (23rd), International Islamic Federation of Student Organizations (27th), International League for the Rights and Liberation of Peoples (23rd), International Movement against All Forms of Discrimination and Racism (25th), International Movement for Fraternal Union among Races and Peoples (25th), International PEN (23rd), International Prison Watch (28th), International Union of Lawyers (25th), Muslim World League (27th), Pax Christi International (25th), Pax Romana (23rd), Survival International (29th), Transnational Radical Party (23rd), United Towns Agency for North-South Cooperation (29th), World Alliance of Reformed Churches (28th), World Muslim Congress (27th), World Press Freedom Committee (29th).

143. Statements in exercise of the right of reply or its equivalent were made by the representatives of Bangladesh (27th, 33rd), China (25th, 27th), Cuba (29th), Egypt (29th), Ethiopia (29th), Italy (25th) and the Philippines (29th) and by the Observers for Honduras (25th), Nigeria (29th), the Syrian Arab Republic (27th), Turkey (29th) and Viet Nam (29th).

(a) Torture and other cruel, inhuman or degrading treatment or punishment

144. At the 24th meeting, on 3 April 1996, the Special Rapporteur on the question of torture, Mr. Nigel S. Rodley, introduced his report (E/CN.4/1996/35 and Add.1 and Add.1/Corr.1 and Add.2).

145. In the general debate on agenda item 8 (a), statements 2/ were made by the following members of the Commission: Australia (27th), Chile (26th), China (26th), Denmark (27th), Indonesia (28th), Italy (on behalf of the European Union) (24th), Mexico (25th), Netherlands (28th), Pakistan (27th), Peru (28th), Russian Federation (26th), Uganda (28th), United States of America (27th), Venezuela (26th).

146. The Observers for Norway (26th), Saudi Arabia (28th), Senegal (28th) and South Africa (28th) also made statements.

147. The Commission heard statements by the following non-governmental organizations: Asian Buddhist Conference for Peace (25th), Centre Europe-Tiers Monde (29th), Himalayan Research and Cultural Foundation (25th), International Association of Democratic Lawyers (25th), International Commission of Jurists (25th), International Confederation of Free Trade Unions (27th), International Falcon Movement (26th), International Federation of ACAT (Action of Christians for the Abolition of Torture) (26th), International Islamic Federation of Student Organizations (27th), International League for Human Rights (25th), Liberation (26th), Movement against Racism and for

Friendship among Peoples (29th), Pax Christi International (25th), Survival International (29th), Transnational Radical Party (23rd), United Towns Agency for North-South Cooperation (29th), World Alliance of Reformed Churches (28th), World Federation of Democratic Youth (27th), World Muslim Congress (27th), World Organization against Torture (25th), World Society of Victimology (25th).

148. Statements in exercise of the right of reply or its equivalent were made by the representative of China (27th) and the by Observers for Afghanistan (27th), Bahrain (29th) and Nigeria (29th).

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

149. In the general debate on agenda item 8 (b), statements 2/ were made by the representatives of Australia (27th) and the United States of America (27th) and by the Observer for South Africa (28th).

150. The Commission also heard statements by the following non-governmental organizations: International League for Human Rights (25th), Transnational Radical Party (23rd), World Federation of Democratic Youth (27th).

(c) Question of enforced or involuntary disappearances

151. At the 24th meeting, on 3 April 1996, the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Mr. Ivan Tosevski, introduced the report of the Working Group (E/CN.4/1996/38 and Corr.1).

152. At the same meeting, the expert member of the Working Group responsible for the special process on missing persons in the territory of the former Yugoslavia, Mr. Manfred Nowak, introduced his report (E/CN.4/1996/36).

153. In the general debate on agenda item 8 (c), statements 2/ were made by the representatives of Australia (27th), Austria (26th) and Brazil (27th) and by the Observers for Afghanistan (25th), Bosnia and Herzegovina (24th), Croatia (24th), Cyprus (24th) and South Africa (28th).

154. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (29th), American Association of Jurists (25th), Commission for the Defense of Human Rights in Central America (25th), Indian Council of Education (29th), International Human Rights Association of American Minorities (25th), International Institute for Non-Aligned Studies (25th), International Institute for Peace (23rd), International Prison Watch (28th), Latin American Federation of Associations of Relatives of Disappeared Detainees (25th), Survival International (29th), Women's International League for Peace and Freedom (26th), World Alliance of Reformed Churches (28th), World Peace Council (27th), World Society of Victimology (25th).

155. A statement in exercise of the right of reply was made by the representative of Mexico (27th).

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

156. At the 23rd meeting, on 2 April 1996, the Chairman-Rapporteur of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Carlos Vargas Pizarro, introduced the report of the working group (E/CN.4/1996/28 and Corr.1).

157. In the general debate on agenda item 8 (d), statements 2/ were made by the following members of the Commission: Australia (27th), Brazil (27th), United States of America (27th).

158. The Commission heard statements by the Observers for: Costa Rica (26th), Senegal (28th), South Africa (28th). Statements were also made by the Observers for the International Committee of the Red Cross (24th) and the Asian Buddhist Conference for Peace (25th).

Report of the Working Group on Arbitrary Detention

159. On 10 April 1996, the representative of Cuba submitted draft resolution E/CN.4/1996/L.31.

160. At the 52nd meeting, on 19 April 1996, the representative of Cuba withdrew the draft resolution, which read as follows:

"Report of the Working Group on Arbitrary Detention

"The Commission on Human Rights,

"Recalling that, as recommended by the Commission, the Economic and Social Council, by its decision 1991/243 of 31 May 1991, decided to establish the Working Group on Arbitrary Detention with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant legal instruments adopted by the States concerned,

"Bearing in mind that at the time when the Commission recommended to the Council to establish the Working Group, there existed a clear difference, both in the juridical literature and in United Nations practice, between the situation of 'detention' and that of 'imprisonment', particularly in the light of the 'use of terms' applicable to each of these distinct situations for the purposes of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted three years previously by the General Assembly in its resolution 43/173 of 9 December 1988,

"Recalling that pursuant to the Body of Principles, the term 'detention' means the condition of a person deprived of personal liberty, except as a result of conviction for an offence, while the term 'imprisonment' means the condition of a person deprived of personal liberty as a result of conviction for an offence, "Considering that in the case of contractual legal instruments, including human rights instruments, the acceptance by States of the juridical obligations contained therein takes place by means of ratification, accession or any other valid expression of consent by the State concerned,

"Having duly taken into account its previous resolutions on this subject, namely resolutions 1991/42 of 5 March 1991, 1992/28 of 28 February 1992, 1993/36 of 5 March 1993, 1994/32 of 4 March 1994 and 1995/59 of 7 March 1995,

"Having also duly taken into account the previous reports submitted to the Commission by the Working Group (E/CN.4/1992/20, E/CN.4/1993/24, E/CN.4/1994/27 and E/CN.4/1995/31 and Add.1-4),

"Having been able fully to appreciate the practical consequences of the so-called 'deliberations' adopted by the Working Group, in which it has expressed, on several occasions, its views on the sense and practical scope of the original mandate conferred upon the Group by the Economic and Social Council,

"Having reviewed the fifth report submitted by the Working Group (E/CN.4/1996/40), in particular its chapter III and annex I, as well as the decisions adopted by the Group at its eleventh, twelfth and thirteenth sessions (E/CN.4/1996/40/Add.1),

"Conscious that by resolution 1994/32 it extended for a further three years, ending in 1997, the initial three-year mandate of the Working Group,

"1. Takes due note of the fifth report submitted by the Working Group on Arbitrary Detention (E/CN.4/1996/40);

"2. Requests the Working Group to take duly into account in the exercise of the functions conferred upon it by the Economic and Social Council in its decision 1991/243 of 31 May 1991 the clear differentiation existing in both United Nations parlance and practical action between the situations of 'detention' and 'imprisonment', as established by the General Assembly in resolution 43/173 of 9 December 1988;

"3. Also requests the Working Group, when analysing the admissibility of a complaint against a State and/or the applicability of the provisions of a human rights instrument to a particular human rights situation, also to take duly into account whether such instrument is only a standard of a purely recommendatory nature or a contractual legal instrument establishing juridical obligations for the State concerned and, in the latter case, whether such obligations are applicable to the said State as a party to that particular legal instrument;

"4. Further requests the Working Group to reassess the appropriateness of substituting an approach based on cooperation for its present 'adversarial' method of work which, in fact, propitiates unnecessary confrontations between the Working Group and States concerned;

"5. Requests the Working Group to revise further its present methods of work, as summarized in annex I to its report, so as to make them compatible with the guidelines established in the present resolution;

"6. Also requests the Working Group to report to the Commission at its fifty-third session on the steps taken to implement the present resolution."

161. At the 51st meeting, on 19 April 1996, the representative of France introduced draft resolution E/CN.4/1996/L.37/Rev.1, sponsored by Argentina, Austria, Belgium, Finland, France, Germany, Hungary, Ireland, Portugal, Sweden and Switzerland. Australia, Bulgaria, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, El Salvador, Georgia, Greece, Italy, Latvia, Liechtenstein, Luxembourg, Norway, Poland, Romania, the Russian Federation, Senegal, Slovakia, Spain, the United Kingdom of Great Britain and Northern Ireland and Uruguay subsequently joined the sponsors.

162. A statement in connection with the draft resolution was made by the representative of Cuba.

163. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

164. Statements in explanation of vote before the vote were made by the representatives of Canada and the United States of America.

165. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/28.

Staff members of the United Nations and of the specialized agencies in detention

166. At the 51st meeting, on 19 April 1996, the Observer for Portugal introduced draft resolution E/CN.4/1996/L.39/Rev.1, sponsored by Australia, Belgium, Benin, Bulgaria, Cameroon, Canada, Costa Rica, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, New Zealand, Norway, Portugal, the Republic of Korea, the Russian Federation, Sweden and Ukraine. Argentina, Austria, Bangladesh, the Dominican Republic, Iceland, Latvia, the Netherlands, Peru, the Philippines, Slovakia, Spain and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

167. Statements in explanation of vote before the vote were made by the representatives of Cuba and Mexico.

168. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/29.

Question of enforced or involuntary disappearances

169. At the 51st meeting, on 19 April 1996, the representative of France introduced draft resolution E/CN.4/1996/L.51, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Cameroon, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Ecuador, France, Georgia, Germany, Greece, Ireland, Israel, Italy, Latvia, Luxembourg, Madagascar, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Senegal, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Andorra, Belarus, Benin, Canada, Chile, Colombia, the Czech Republic, the Dominican Republic, Finland, Hungary, Liechtenstein, Nepal, New Zealand, Uruguay and Venezuela subsequently joined the sponsors.

170. The draft resolution was orally revised by the representative of France as follows:

(a) A new operative paragraph 5 was added, the subsequent paragraphs being renumbered accordingly;

(b) New operative paragraph 17 was amended;

(c) New operative paragraph 29 replaced former operative paragraphs 28 and 29, which read as follows:

> "28. Also requests the Secretary-General to solicit the observations of Governments on any measures they have taken for the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance;
>
> "29. Finally requests the Secretary-General to keep the Working Group and the Commission on Human Rights regularly informed on the steps he takes for the widespread dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance."

171. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

172. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/30.

Human rights and forensic science

173. At the 51st meeting, on 19 April 1996, the representative of the Russian Federation introduced draft resolution E/CN.4/1996/L.58, sponsored by Argentina, Armenia, Austria, Belarus, the Czech Republic, France, Germany, Greece, Portugal, the Russian Federation and Spain. Canada, Denmark, the Dominican Republic, Slovakia and the United States of America subsequently joined the sponsors.

174. The representative of the Russian Federation orally revised the draft resolution by adding, in operative paragraph 8, after "Centre for Human Rights", the words "and the Crime Prevention and Criminal Justice Division of the Secretariat".

175. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/31.

Human rights in the administration of justice, in particular of children and juveniles in detention

176. At the 51st meeting, on 19 April 1996, the representative of Austria introduced draft resolution E/CN.4/1996/L.59, sponsored by Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Cyprus, Denmark, El Salvador, Finland, France, Germany, Guatemala, Haiti, Honduras, Hungary, Ireland, Italy, Latvia, Luxembourg, Madagascar, Mali, Paraguay, the Philippines, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay. Andorra, Benin, Canada, the Czech Republic, the Dominican Republic, Ethiopia, Liechtenstein, Malta and New Zealand subsequently joined the sponsors.

177. The draft resolution was orally revised by the representative of Austria as follows:

(a) At the end of the first preambular paragraph, the words "which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below 18 years of age," were deleted;

(b) Operative paragraph 13, which read as follows, was deleted, the subsequent paragraphs being renumbered accordingly:

> "13. _Invites_ Governments of those countries where there are traditional systems of justice to ensure that such informal justice methods are compatible with international standards in the field of human rights in the administration of justice and the Convention on the Rights of the Child;"

(c) In new operative paragraph 13, the words "both before trial and after conviction" were replaced by "in particular before trial,";

(d) In the same operative paragraph, after the word "separated", the words ", as appropriate," were added.

178. Statements in connection with the revisions were made by the representatives of Austria and Cuba.

179. A statement in explanation of vote before the vote was made by the representative of Cuba.

180. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/32.

Torture and other cruel, inhuman or degrading treatment or punishment

181. At the 52nd meeting, on 19 April 1996, the representative of Denmark introduced draft resolution E/CN.4/1996/L.63/Rev.1, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Madagascar, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela. Andorra, Argentina, the Gambia and the Republic of Korea subsequently joined the sponsors.

182. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

183. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/33.

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

184. At the 52nd meeting, on 19 April 1996, the Observer for Belgium introduced draft resolution E/CN.4/1996/L.74, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Chile, Cyprus, Denmark, France, Hungary, Ireland, Italy, Latvia, Luxembourg, Madagascar, Norway, Portugal, Slovakia, Slovenia, South Africa, Sweden, Switzerland and Uruguay. Benin, Canada, the Czech Republic, El Salvador, Finland, the Gambia, Germany, Greece, Honduras, Malawi, the Netherlands, the Republic of Korea, the Russian Federation, Spain and the United States of America subsequently joined the sponsors.

185. The Observer for Belgium orally revised the draft resolution by replacing the word "notably", in operative paragraph 7, by the words "for instance".

186. A statement was made by the representative of China.

187. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

188. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/34.

The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

189. At the 52nd meeting, on 19 April 1996, the representative of Chile introduced draft resolution E/CN.4/1996/L.76, sponsored by Argentina, Australia, Austria, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Finland, France, Hungary, Italy, Latvia, the Netherlands, Nicaragua, the Philippines, Poland, the Republic of Korea, Senegal, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Angola, Estonia and the Gambia subsequently joined the sponsors.

190. The representative of Chile orally revised the draft resolution by inserting, at the end of operative paragraph 7, the words "entitled 'Question of the human rights of all persons subjected to any form of detention or imprisonment'".

191. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/35.

Right to freedom of opinion and expression

192. At the 53rd meeting, on 19 April 1996, the representative of Canada introduced draft resolution E/CN.4/1996/L.84, sponsored by Andorra, Australia, Austria, Canada, the Czech Republic, Denmark, El Salvador, France, Honduras, Latvia, Liechtenstein, Madagascar, Norway, Portugal, Slovakia, Sweden and Uruguay. Argentina, Brazil, Bulgaria, Cameroon, Chile, Colombia, Côte d'Ivoire, the Dominican Republic, Ecuador, Finland, Germany, Guinea, Hungary, India, Ireland, Italy, Japan, Luxembourg, Malawi, Nepal, the Netherlands, Nicaragua, Peru, the Philippines, the Russian Federation, Switzerland, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela subsequently joined the sponsors.

193. The draft resolution was orally revised by the representative of Canada as follows:

(a) In the sixth preambular paragraph, the words "to seek and receive" were replaced by "to seek, receive and impart";

(b) At the end of the tenth preambular paragraph, the symbol (E/CN.4/1996/39) was added;

(c) A new paragraph was inserted between the thirteenth and fourteenth preambular paragraphs.

194. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

195. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/53.

Question of human rights and states of emergency

196. At its 52nd meeting, on 19 April 1996, the Commission considered draft resolution I, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. A).

197. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

198. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/36.

Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

199. At the 52nd meeting, on 19 April 1996, the Observer for Costa Rica introduced draft resolution E/CN.4/1996/L.60, sponsored by Argentina, Armenia, Austria, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Finland, Germany, Guatemala, Haiti, Honduras, Hungary, Italy, Latvia, Liechtenstein, Luxembourg, Madagascar, Malta, the Netherlands, Norway, Paraguay, Peru, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. France, the Gambia, Greece, Nicaragua and the United States of America subsequently joined the sponsors.

200. The Observer for Costa Rica orally revised the draft resolution by replacing the words "and to begin", in operative paragraph 2, by ", including the beginning of".

201. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

202. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/37.

Hostage-taking

203. At its 52nd meeting, on 19 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.64/Rev.1.

204. At its 58th meeting, on 23 April 1996, the Commission resumed consideration of the draft resolution, which was introduced by the representative of the Russian Federation.

205. The representative of the Russian Federation orally revised the draft resolution as follows:

(a) The fourth preambular paragraph was deleted;

(b) In the seventh preambular paragraph, the word "including" was replaced by the words "in different forms and manifestations, including, inter alia,";

(c) In the ninth preambular paragraph, the word "growing" was replaced by "continuing";

(d) In the tenth preambular paragraph, after the word "respected", the words "and facilitated" were inserted;

(e) In the last preambular paragraph, after the words "in order", the phrase ", in strict conformity with international human rights standards," was inserted;

(f) At the end of operative paragraph 1, the phrase "irrespective of considerations of a political, philosophical, ideological, religious, racial, ethnic or other nature invoked to justify it" was deleted;

(g) Operative paragraph 3, which read: "Calls upon States to take all necessary measures to prevent, combat and punish the taking of hostages, including strengthening international cooperation in this field;", was replaced by a new text;

(h) Operative paragraph 4, which read: "Encourages non-governmental organizations to include, where appropriate, the problem of hostage-taking in their deliberations and findings and to supply relevant information to the United Nations human rights bodies;", was replaced by a new text;

(i) Operative paragraph 5, which read: "Urges the relevant treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to pay due regard, within their respective mandates, to the consequences of hostage-taking, including when committed by terrorists and armed groups;", was replaced by a new text.

(j) In operative paragraph 6, "fifty-third" was replaced by "fifty-fourth".

206. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/62.

Special process on missing persons in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

207. At its 52nd meeting, on 19 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.61, sponsored by Afghanistan, Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Croatia, Egypt,

Iran (Islamic Republic of), Kuwait, Malaysia, Pakistan, Senegal and Turkey. El Salvador, the Gambia, Indonesia and Tunisia subsequently joined the sponsors.

208. At the 58th meeting, on 23 April 1996, the Observer for Croatia withdrew draft resolution E/CN.4/1996/L.61, which read as follows:

> "Special process on missing persons in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)
>
> "The Commission on Human Rights,
>
> "Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto of 1977, as well as by other relevant documents and resolutions of the General Assembly and the Security Council of the United Nations,
>
> "Recalling its resolutions 1994/72 of 9 March 1994 and 1995/35 of 3 March 1995 concerning the special process on missing persons in the territory of the former Yugoslavia,
>
> "Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina, initialled in Dayton, Ohio, United States of America, on 21 November 1995 and signed in Paris on 14 December 1995, the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995, and Security Council resolution 1037 (1996), by which the Council established the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium,
>
> "Dismayed by the huge number of persons missing as a consequence of the continuing practice of ethnic cleansing and of the armed conflict in the territory of the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina and in the Republic of Croatia,
>
> "Deeply disturbed by the fact that, according to the estimates, there are still approximately 30,000 unresolved cases of missing persons in the Republic of Bosnia and Herzegovina and in the Republic of Croatia, and in particular by discoveries of a large number of mass graves whose sites require to be guarded and excavated without delay in a professional, impartial and well-coordinated manner,
>
> "Drawing attention to the need for immediate activity directed to the determination by qualified experts of mass grave sites or sites where arbitrary executions or killings of many thousands of persons are reported to have taken place, in particular near Srebrenica, Žepa, Prijedor and Vukovar, and the communication of such information to the families of the missing,

"Seriously concerned about the destiny of nearly 10,000 persons, mostly civilians, who are considered missing following the attack on the United Nations safe and demilitarized areas of Srebrenica and Žepa by the Bosnian Serb paramilitary forces,

"Expressing its concern that the international humanitarian organizations present in the field did not act to assist, or were prevented from assisting, the civilians fleeing from the areas of Srebrenica and Žepa, thus creating the situation that led to the disappearance of many unfortunate victims of this war crime,

"Dismayed about the reports of possible detention of an undisclosed number of Bosniacs and Croats still held in camps, mines or other places, where they are kept as forced labour or prisoners by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serbs, and as such may be considered missing,

"Recognizing steps taken by the High Representative and the United Nations organizations in implementing the humanitarian provisions of the peace agreement for Bosnia and Herzegovina,

"Aware that the implementation of the Framework Agreement, as well as the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, opens new opportunities, which the United Nations and the international community must live up to according to their commitment, particularly in clarifying the fate of missing persons,

"Emphasizing again that the cooperation of the Governments of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as the parties and organizations in a position to help, is essential to the achievement of the objectives of the special process on missing persons in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),

"Stressing that urgent and effective cooperation between the parties in resolving the problem of missing persons represents a critical test of their commitment to the peace process and restoration of confidence in the region,

"1. Commends the expert member of the Working Group on Enforced or Involuntary Disappearances for his report (E/CN.4/1996/36) on the special process on missing persons in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

"2. Requests the Governments of Bosnia and Herzegovina and the Republic of Croatia and the Bosnian Serb authorities to intensify their cooperation with the expert for the special process, and expects them to continue effective searches for all missing persons in their territory;

"3. Reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its responsibility to investigate enforced disappearances, enhance its cooperation with the Republic of Croatia in tracing missing persons and to provide complete and precise information on this subject, and calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to its bilateral agreement with the Republic of Croatia to this effect and to respond positively to the efforts of the expert for the special process and others to this end;

"4. Requests the expert member of the Working Group on Enforced or Involuntary Disappearances, in conjunction with his mandate for the special process dealing with the problem of missing persons in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), to coordinate his efforts to excavate mass graves with the International Criminal Tribunal for the Former Yugoslavia, the High Representative, the Special Rapporteur and the International Committee of the Red Cross, in the context of the Expert Group on Exhumations and Missing Persons established under the authority of the High Representative, and to prepare a comprehensive plan for dealing with this question in the Republic of Bosnia and Herzegovina, as well as in the Republic of Croatia, in full cooperation with the respective Governments;

"5. Recalls the commitment of the Implementation Force to work to provide a secure environment for these tasks;

"6. Reminds the parties of their commitment, made in Rome on 17 February 1996, to provide unrestricted access to the sites described above;

"7. Demands that all parties refrain from any action intended to destroy, alter, conceal or damage any evidence of violations of human rights and international humanitarian law, and that they preserve such evidence;

"8. Urges the expert for the special process to make a detailed assessment of the respective financial resources needed for the excavation of mass graves in Bosnia and Herzegovina and in Croatia and the exhumation of bodies contained therein, so that the international community, organizations and private donors could help in financing these operations essential for establishing the fate of tens of thousands of missing persons;

"9. Decides to establish a voluntary fund for excavating, exhuming and identifying victims buried in mass graves, and invites the interested Governments, organizations and private donors to contribute generously to this highly humanitarian operation;

"10. Requests the expert for the special process to convene meetings with high-level participation of the Government of the Republic of Croatia and the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Administrator of the United Nations

Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium with a view to expediting the tracing of the persons missing from the Republic of Croatia;

"11. Invites the expert member for the special process to organize, if necessary, meetings of Governments and the parties concerned, the International Criminal Tribunal for the Former Yugoslavia, the High Representative, the Special Rapporteur and the International Committee of the Red Cross, with a view to coordinating the overall process in tracing the missing persons and discussing eventual coordination, financial and other problems that need to be solved;

"12. Decides to extend for one year the mandate of the expert for the special process dealing with missing persons, and requests him to carry out visits to the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and to submit periodic reports to the Commission on Human Rights and to the General Assembly;

"13. Requests the Secretary-General to continue providing the special process on missing persons with the necessary resources so that it can perform its functions continuously, expeditiously and commensurately with the commitment and expectations arising from the present resolution."

IX. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

209. The Commission considered agenda item 9 and sub-items (a), (b), (c) and (d) concurrently with item 17 (see chap. XVII) at its 31st to 36th meetings, on 10 and 11 April, at its 39th to 41st meetings, on 15 April, at its 52nd and 53rd meetings, on 19 April, at its 58th meeting, on 23 April, and at its 61st and 62nd meetings, on 24 April 1996. 1/

210. For the documents issued under agenda item 9 and sub-items (a), (b), (c) and (d), see annex IV to the present report.

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

211. At the 32nd meeting, on 10 April 1996, the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, introduced her report (E/CN.4/1996/53 and Add.1 and Add.1/Corr.1 and Add.2).

212. In the general debate on agenda item 9 (a), statements 2/ were made by the following members of the Commission: Australia (36th), Belarus (36th), Brazil (36th), Canada (36th), China (33rd), El Salvador (36th), Ethiopia (36th), India (32nd), Italy (on behalf of the European Union) (31st), Japan (31st), Malaysia (31st), Nepal (33rd), Netherlands (31st), Pakistan (39th), Philippines (33rd), Republic of Korea (33rd), Russian Federation (36th), Ukraine (31st), United States of America (33rd), Venezuela (32nd).

213. The Commission heard statements by the observers for: Armenia (40th), Democratic People's Republic of Korea (40th), Iran (Islamic Republic of) (36th), Iraq (39th), Libyan Arab Jamahiriya (33rd), New Zealand (39th), Senegal (40th), Sudan (40th), Syrian Arab Republic (40th), Turkey (40th).

214. Statements were also made by the observers for Switzerland (40th) and the United Nations Development Fund for Women (40th).

215. The Commission heard statements by the following non-governmental organizations: African Association of Education for Development (40th), African Commission of Health and Human Rights Promoters (40th), Afro-Asian

Peoples' Solidarity Organization (41st), All China Women's Federation (41st), All Pakistan Women's Association (41st), American Association of Jurists (35th), Asian Buddhist Conference for Peace (36th), Commission for the Defense of Human Rights in Central America (36th), Commission of the Churches on International Affairs of the World Council of Churches (41st), Franciscans International (40th), Institute for Women, Law and Development (36th), International Association against Torture (41st), International Association of Democratic Lawyers (41st), International Centre for Human Rights and Democratic Development (40th), International Confederation of Free Trade Unions (36th), International Council of AIDS Service Organizations (41st), International Council of Jewish Women (41st), International Educational Development, Inc. (34th), International Federation of Human Rights (40th), International Federation of University Women (40th), International Federation of Women in Legal Careers (40th), International Fellowship of Reconciliation (36th), International Human Rights Association of American Minorities (41st), International Human Rights Law Group (41st), International Institute for Non-Aligned Studies (41st), International League for the Rights and Liberation of Peoples (41st), International Movement against All Forms of Discrimination and Racism (36th), International Organization for the Development of Freedom of Education (40th), International Women's Health Coalition (40th), Liberation (41st), Movement against Racism and for Friendship among Peoples (41st), Pax Romana (35th), Society for Threatened Peoples (41st), Transnational Radical Party (41st), Women's International League for Peace and Freedom (40th), World Conference on Religion and Peace (41st), World Organization against Torture (36th).

(b) National institutions for the promotion and protection of human rights

216. In the general debate on agenda item 9 (b), statements 2/ were made by the following members of the Commission: Algeria (National Observatory on Human Rights) (33rd), Australia (36th), Australia (Federal Human Rights and Equal Opportunities Commission) (33rd), Belarus (36th), Cameroon (32nd), Canada (33rd), France (National Human Rights Commission) (32nd), India (32nd), India (National Human Rights Commission) (31st), Russian Federation (36th), Venezuela (32nd).

217. The Commission heard statements by the observers for: Armenia (Centre for Democracy and Human Rights) (36th), Iraq (39th), Latvia (40th), New Zealand (Human Rights Commission) (36th), Slovakia (39th), Togo (33rd).

218. The Commission also heard statements by the following non-governmental organizations: All Pakistan Women's Association (41st), International Human Rights Association of American Minorities (41st), International Movement for Fraternal Union among Races and Peoples (41st), Liberation (41st).

219. A statement in exercise of the right of reply was made by the representative of Ethiopia (41st).

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

220. In the general debate on agenda item 9 (c), statements 2/ were made by the following members of the Commission: Australia (36th), Belarus (36th), India (32nd), Italy (on behalf of the European Union) (31st), Japan (31st), Russian Federation (36th), Ukraine (31st).

221. The Commission heard statements by the observers for Malta (33rd) and Poland (39th).

222. The Commission also heard statements by the following non-governmental organizations: All Pakistan Women's Association (41st), International Movement for Fraternal Union among Races and Peoples (41st), Transnational Radical Party (41st), World Peace Council (41st).

(d) Human rights, mass exoduses and displaced persons

223. At the 32nd meeting, on 10 April 1996, the representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, introduced his report (E/CN.4/1996/52 and Add.1 and 2).

224. In the general debate on agenda item 9 (d), statements 2/ were made by the following members of the Commission: Australia (36th), Austria (39th) Belarus (36th), Hungary (32nd), Malaysia (31st), Mexico (39th), Peru (39th), Russian Federation (36th), Uganda (39th).

225. The Commission heard statements by the observers for: Afghanistan (40th), Cyprus (39th), Sudan (40th), Sweden (39th). Statements were also made by the observers for Switzerland (40th), the International Committee of the Red Cross (33rd) and the Office of the United Nations High Commissioner for Refugees (40th).

226. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (40th), Afro-Asian Peoples' Solidarity Organization (41st), All Pakistan Women's Association (41st), Andean Commission of Jurists (40th), Arab Lawyers Union (40th), Caritas Internationalis (36th), Coordinating Board of Jewish Organizations (41st), Himalayan Research and Cultural Foundation (41st), Indian Council of Education (36th), International Human Rights Association of American Minorities (41st), International Institute for Peace (41st), International Islamic Federation of Student Organizations (41st), Latin American Federation of Associations of Relatives of Disappeared Detainees (36th), Médecins sans frontières (33rd), Muslim World League (41st), Society for Threatened Peoples (41st), World Conference on Religion and Peace (41st), World Muslim Congress (41st), World Society of Victimology (40th).

Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights

227. At the 52nd meeting, on 19 April 1996, the Observer for Poland introduced draft resolution E/CN.4/1996/L.50, sponsored by Argentina, Armenia, Belarus, Bulgaria, Chile, Croatia, Ecuador, El Salvador, Germany, Hungary, Israel, Paraguay, Peru, Poland, the Republic of Korea, the Russian Federation, South Africa, Sweden and Ukraine. Austria, Bangladesh, Benin, Canada, the Czech Republic, Denmark, the Dominican Republic, Ethiopia, France, Greece, India, Italy, Madagascar, Mexico, Pakistan, the Philippines, Slovakia, Sri Lanka, the former Yugoslav Republic of Macedonia, Togo and the United States of America subsequently joined the sponsors.

228. Statements were made by the representatives of India and Mexico and by the Observer for Poland. India subsequently withdrew as a sponsor.

229. The draft resolution was adopted without a vote (resolution 1996/42).

230. At its 62nd meeting, on 24 April 1996, the Commission, at the request of the Observer for Poland, decided, in accordance with rule 55 of the rules of procedure of the functional commissions of the Economic and Social Council, to reconsider resolution 1996/42, as adopted by the Commission at its 52nd meeting, on 19 April 1996.

231. The Observer for Poland orally revised the resolution by substituting a new text for the fourth preambular paragraph, which read as follows: "Concerned that the international human rights standards are not fully and universally accepted and implemented, that human rights continue to be violated in all parts of the world and that people still suffer misery and are deprived of full enjoyment of their civil, cultural, economic, political and social rights, and convinced of the necessity of respecting minimum human rights standards in all situations and of strengthening United Nations efforts in this regard,".

232. India and the United States of America subsequently joined the sponsors.

233. The resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/42.

Human rights and human immunodeficiency virus (HIV)/ acquired immune deficiency syndrome (AIDS)

234. At the 52nd meeting, on 19 April 1996, the Observer for Poland introduced draft resolution E/CN.4/1996/L.53, sponsored by Argentina, Australia, Austria, Belarus, Bulgaria, Cameroon, Chile, Cyprus, the Czech Republic, El Salvador, Finland, Germany, Greece, Honduras, Israel, Italy, Madagascar, Nepal, Nicaragua, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, Slovakia, South Africa, Sweden and Zimbabwe. Angola, Canada, Costa Rica, the Dominican Republic, France, Malawi and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

235. A statement in explanation of vote before the vote was made by the representative of the Netherlands.

236. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/43.

United Nations Decade for Human Rights Education

237. At the 52nd meeting, on 19 April 1996, the Observer for Costa Rica introduced draft resolution E/CN.4/1996/L.72, sponsored by Afghanistan, Algeria, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Benin, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Dominica, the Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, France, Gabon, Georgia, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Israel, Italy, Madagascar, Malawi, Malaysia, Mongolia, Morocco, the Netherlands, Pakistan, Paraguay, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Rwanda, Senegal, Slovakia, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Republic of Tanzania, Uruguay, Venezuela, Yemen and Zaire. Denmark, Japan, Sri Lanka, Togo and Zimbabwe subsequently joined the sponsors.

238. The representative of Mexico made a statement in explanation of vote before the vote.

239. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/44.

The Olympic Ideal

240. At the 52nd meeting, on 19 April 1996, the Observer for Greece introduced draft resolution E/CN.4/1996/L.49, sponsored by Albania, Armenia, Australia, Bangladesh, Belarus, Belgium, Bulgaria, Colombia, Costa Rica, Cyprus, the Czech Republic, Egypt, El Salvador, Ethiopia, France, Georgia, Ghana, Greece, Guatemala, Honduras, Ireland, Israel, Malaysia, Mauritania, Pakistan, Peru, the Philippines, Poland, the Russian Federation, South Africa and Ukraine. Algeria, Andorra, Argentina, Benin, the Dominican Republic, Italy, Latvia, Madagascar, Malta, Nicaragua, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Togo and the United States of America subsequently joined the sponsors.

241. The draft resolution was orally revised by the Observer for Greece as follows:

(a) In the second preambular paragraph, after "Recalling also", the words "articles 3 and 15 of the International Covenant on Economic, Social and Cultural Rights which ensure the" were replaced by "the value of the";

(b) In the same paragraph, the word "recognize" was replaced by the words "the recognition of";

(c) In the fifth preambular paragraph, after "in particular", the words "the sixth preambular paragraph of" were inserted;

(d) In the same paragraph, after the words "December 1994", the remaining text, which read as follows, was deleted: "in which the Assembly noted with satisfaction the mutually beneficial cooperation between the International Olympic Committee and the United Nations system, in particular the United Nations International Drug Control Programme, the United Nations Children's Fund, the United Nations Environment Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, all of which are important for the promotion, protection and implementation of human rights,";

(e) In operative paragraph 2, before "contribute", the word "may" was inserted;

(f) In operative paragraph 4, before the words "Olympic Ideal", the word "international" was deleted;

(g) In operative paragraph 5, before the words "Olympic Games", the word "International" was deleted;

(h) In operative paragraph 6, after "Olympic", the word "Games" was replaced by "Movement".

242. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/45.

Human rights and thematic procedures

243. At the 52nd meeting, on 19 April 1996, the Observer for the Czech Republic introduced draft resolution E/CN.4/1996/L.77, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, the Republic of Korea, the Russian Federation, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. The Dominican Republic, Japan, Jordan and Luxembourg subsequently joined the sponsors.

244. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/46.

Human rights and terrorism

245. At the 52nd meeting, on 19 April 1996, the Observer for Turkey introduced draft resolution E/CN.4/1996/L.79, sponsored by Azerbaijan, Colombia, Egypt, El Salvador, Honduras, Malaysia, Peru, the Republic of Korea and Turkey. Algeria, the Dominican Republic, India, the Philippines, the Russian Federation, Sri Lanka and Uruguay subsequently joined the sponsors.

246. The Observer for Turkey pointed out the following technical corrections to be made to the printed text of draft resolution E/CN.4/1996/L.79:

(a) In the second preambular paragraph, the word "Noting" should read "Recalling";

(b) In the third preambular paragraph, after "Human Rights", the words "held at Vienna from 14 to 25 June 1993" should be inserted;

(c) In the eighth preambular paragraph, the words "the fact", after "Taking into account", should be deleted.

247. Statements were made by the representatives of Algeria and India. A statement in explanation of vote before the vote was made by the representative of Mexico.

248. The draft resolution was adopted without a vote. At the 61st meeting, on 24 April 1996, statements in connection with the resolution were made by the representatives of Chile, Italy (on behalf of the European Union and Norway), Pakistan and the United States of America.

249. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/47.

Question of integrating the human rights of women throughout the United Nations system

250. At the 52nd meeting, on 19 April 1996, the Observer for Canada introduced draft resolution E/CN.4/1996/L.82, sponsored by Andorra, Australia, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Croatia, the Czech Republic, Denmark, El Salvador, Finland, Germany, Hungary, Ireland, Israel, Japan, Latvia, Luxembourg, Madagascar, the Netherlands, Norway, Papua New Guinea, Portugal, Switzerland, Tunisia and the United Kingdom of Great Britain and Northern Ireland. Argentina, Austria, Belarus, Benin, Costa Rica, Cyprus, France, the Gambia, India, Italy, Liechtenstein, Malawi, Malaysia, Mali, New Zealand, Nicaragua, Peru, the Philippines, South Africa, Spain, Sweden, Turkey, the United States of America, Uruguay, Venezuela and Zimbabwe subsequently joined the sponsors.

251. The draft resolution was orally revised by the Observer for Canada as follows:

(a) A new paragraph was inserted between the fourth and fifth preambular paragraphs;

(b) At the end of the former fifth preambular paragraph, the words "and recalling resolution 40/3 on mainstreaming the human rights of women adopted by the Commission on the Status of Women at its fortieth session" were added;

(c) In operative paragraph 3, the words "take a gender perspective in the discharge of their mandates" were replaced by "take a gender perspective into account in the implementation of their mandates";

(d) A new operative paragraph 8 was inserted, the subsequent paragraphs being renumbered accordingly.

252. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/48.

Elimination of violence against women

253. At the 52nd meeting, on 19 April 1996, the representative of Canada introduced draft resolution E/CN.4/1996/L.83, sponsored by Andorra, Australia, Austria, Bulgaria, Cameroon, Canada, Chile, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, Germany, Hungary, Iceland, Ireland, Latvia, Malawi, the Netherlands, Norway, Portugal, the Republic of Korea, Senegal, Switzerland, Tunisia and Turkey. Belgium, Brazil, Costa Rica, the Democratic People's Republic of Korea, the Dominican Republic, Ethiopia, France, the Gambia, Greece, India, Italy, Jordan, Liechtenstein, Luxembourg, Malaysia, New Zealand, Nicaragua, the Philippines, South Africa, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela and Zimbabwe subsequently joined the sponsors.

254. The draft resolution was orally revised by the representative of Canada as follows:

(a) At the end of operative paragraph 4, the words ", and to provide access to just and effective remedies and specialized assistance to victims" were added;

(b) In operative paragraph 6, the word "Welcomes" was replaced by "Takes note of";

(c) In operative paragraph 8, the words "of their obligation to ensure that the Convention ... is fully implemented" were replaced by "that their obligations under the Convention ... must be fully implemented";

(d) At the end of the same paragraph, the words ", and calls upon those countries which are still not parties to the Convention to work actively towards ratification of or accession to it" were added;

(e) In operative paragraph 10, the words "in keeping with" were replaced by "taking into account" and the words "in this regard" by "in regard to an optional protocol".

255. A statement was made by the representative of Mexico.

256. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

257. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/49.

National institutions for the promotion and protection of human rights

258. At the 52nd meeting, on 19 April 1996, the Observer for Australia introduced draft resolution E/CN.4/1996/L.62, sponsored by Australia, Austria, Cameroon, Canada, Costa Rica, Honduras, India, Latvia, Malawi, Mongolia, the Netherlands, New Zealand, Papua New Guinea, the Philippines,

the Russian Federation, Senegal, Slovakia, Spain, Sweden and Tunisia. Angola, the Czech Republic, the Dominican Republic, El Salvador, France, Indonesia, Madagascar, Mexico, Norway, Portugal, Sri Lanka, Togo and Venezuela subsequently joined the sponsors.

259. The representative of Australia orally revised the draft resolution by inserting, in operative paragraph 19, after the words "to convene", the words ", within existing resources,".

260. A statement was made by the representative of Cuba.

261. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

262. The draft resolution, as orally revised, was adopted without a vote. At the 61st meeting, on 24 April 1996, a statement in connection with the resolution was made by the representative of Japan.

263. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/50.

Human rights and mass exoduses

264. At the 52nd meeting, on 19 April 1996, the representative of Canada introduced draft resolution E/CN.4/1996/L.73, sponsored by Canada, Croatia, Cyprus, Hungary, Madagascar, Poland, Sweden and Uruguay. Andorra, Australia, the Czech Republic, El Salvador, Finland, France, Germany, Liechtenstein, Luxembourg, Nepal, the Netherlands, New Zealand, Norway and Switzerland subsequently joined the sponsors.

265. The draft resolution was orally revised by the representative of Canada as follows:

(a) In the eighth preambular paragraph, after the word "returnees,", the words "in particular in the framework of tripartite agreements between the State of origin, the State of asylum and the Office of the United Nations High Commissioner for Refugees," were inserted;

(b) In the penultimate preambular paragraph, the word "report" was replaced by the words "provide information" and the following text was added at the end of the paragraph: "as was recalled in the General Conclusion on International Protection adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in 1995,";

(c) In operative paragraph 15, after the words "article 35 of the Convention", the remaining text, which read as follows, was deleted: "and the General Conclusion on International Protection adopted in 1995 by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees".

266. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/51.

Internally displaced persons

267. At the 53rd meeting, on 19 April 1996, the Observer for Austria introduced draft resolution E/CN.4/1996/L.89, sponsored by Argentina, Austria, Bulgaria, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Greece, Hungary, Ireland, Italy, the Netherlands, Norway, Peru, Portugal and the Republic of Korea. Australia, Canada, Denmark, Finland, France, Germany, Liechtenstein, the Russian Federation, Sweden and Uruguay subsequently joined the sponsors.

268. The draft resolution was orally revised by the Observer for Austria as follows:

(a) In the sixth preambular paragraph, the words "identifying and reaffirming" were replaced by "identifying, reaffirming and consolidating";

(b) At the end of the same paragraph, the words "and consolidating them in a single international document" were deleted;

(c) In operative paragraph 16, after the word "facilitate", the words ", through regional approaches," were inserted;

(d) In operative paragraph 19, after the words "to provide the representative", the words ", from within existing resources," were inserted.

269. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/52.

Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

270. At its 52nd meeting, on 19 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.45.

271. At its 58th meeting, on 23 April 1996, the Commission resumed consideration of draft resolution E/CN.4/1996/L.45, which was introduced by the representative of Nepal and sponsored by Afghanistan, Australia, Bangladesh, India, Indonesia, Iran (Islamic Republic of), Mongolia, Nepal, New Zealand, the Philippines, the Republic of Korea, Sri Lanka, the Syrian Arab Republic and Thailand. China, Iraq, Japan, Jordan, Papua New Guinea and South Africa subsequently joined the sponsors.

272. The draft resolution was orally revised by the representative of Nepal as follows:

(a) Operative paragraph 7, which read as follows, was deleted:

> "Recognizes that diverse cultural, religious, historical and political particularities, as noted in the Bangkok Declaration and the

Vienna Declaration and Programme of Action, play a significant role in the development of regional arrangements, together with the universality of human rights;";

(b) New operative paragraphs 3, 4, 5 and 6 were inserted, the subsequent paragraphs being renumbered accordingly.

273. A statement in this regard was made by the representative of China.

274. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/64.

Composition of the staff of the Centre for Human Rights

275. At its 52nd meeting, on 19 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.69.

276. At its 58th meeting, on 23 April 1996, the Commission resumed consideration of draft resolution E/CN.4/1996/L.69, which was introduced by the Observer for Cuba and sponsored by China, Cuba, the Democratic People's Republic of Korea, Egypt, Ethiopia, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Madagascar, Malaysia, Mexico, Myanmar, Nicaragua, Nigeria, Pakistan, Rwanda, Senegal, the Sudan, the Syrian Arab Republic, the United Republic of Tanzania, Venezuela and Yemen. Algeria, Angola, Bangladesh, Benin, Côte d'Ivoire, El Salvador, Equatorial Guinea, Ghana, Guinea, India, the Libyan Arab Jamahiriya, Peru, the Philippines, Sri Lanka, Togo, Uganda and Zimbabwe subsequently joined the sponsors. El Salvador subsequently withdrew as a sponsor.

277. Statements in connection with the draft resolution were made by the representatives of Cuba and the Netherlands.

278. Statements in explanation of vote before the vote were made by the representatives of Australia, Canada, Chile, Denmark, El Salvador, France, Germany, Italy, Japan, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

279. At the request of the Observer for the Netherlands, a roll-call vote was taken on the draft resolution, which was adopted by 33 votes to 16, with 4 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mauritania, Mexico, Nepal, Nicaragua, Pakistan, Peru, Philippines, Sri Lanka, Uganda, Venezuela, Zimbabwe.

Against: Australia, Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Hungary, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Dominican Republic, El Salvador, Malawi, Republic of Korea.

280. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/65.

Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights

281. At its 52nd meeting, on 19 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.65, at its 58th meeting, on 23 April 1996, the Commission again decided to postpone consideration of the draft resolution.

282. At the 61st meeting, on 24 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.65, sponsored by Andorra, Austria, Belgium, Brazil, Bulgaria, Cameroon, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia, Canada, the Dominican Republic, Ecuador, Iceland, Lithuania, Peru, the United States of America, Uruguay and Venezuela subsequently joined the sponsors.

283. A statement in connection with the draft resolution was made by the representative of China. Statements in explanation of vote before the vote were made by the representatives of India and Uganda.

284. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/82.

X. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

285. The Commission considered agenda item 10 and sub-item (a) at its 15th meeting, on 27 March, at its 41st to 50th meetings, from 15 to 18 April, at its 57th to 60th meetings, on 22 and 23 April, and at its 62nd meeting, on 24 April 1996. 1/ Item 10 (b) was considered by the Commission in closed session (see paras. 382-384 below).

286. For the documents issued under agenda item 10, see annex IV to the present report.

287. At the 42nd meeting, on 16 April 1996, the following special rapporteurs introduced their reports:

(a) The Special Rapporteur on the situation of human rights in Myanmar, Mr. Yozo Yokota (E/CN.4/1996/65);

(b) The Special Rapporteur on the situation of human rights in Afghanistan, Mr. Choong-Hyun Paik (E/CN.4/1996/64);

(c) The Special Rapporteur on the situation of human rights in Equatorial Guinea, Mr. Alejandro Artucio (E/CN.4/1996/67 and Add.1);

(d) The Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Ms. Elisabeth Rehn (E/CN.4/1996/63);

(e) The Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'diaye (E/CN.4/1996/4 and Corr.1 and Add.1 and 2).

288. At the 43rd meeting, on 16 April 1996, the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, Mr. Maurice Copithorne, introduced his report (E/CN.4/1996/59). At the same meeting, the following special rapporteurs also introduced their reports:

(a) The Special Rapporteur on the situation of human rights in Cuba, Mr. Carl-Johan Groth (E/CN.4/1996/60);

(b) The Special Rapporteur on the situation of human rights in the Sudan, Mr. Gáspár Bíró (E/CN.4/1996/62);

(c) The Special Rapporteur on the situation of human rights in Rwanda, Mr. René Degni-Ségui (E/CN.4/1996/7 and E/CN.4/1996/68);

(d) The Special Rapporteur on the situation of human rights in Zaire, Mr. Roberto Garretón (E/CN.4/1996/66).

289. At the 45th meeting, on 17 April 1996, the Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, introduced his reports (E/CN.4/1996/12 and E/CN.4/1996/61).

290. In the general debate on agenda item 10, statements 2/ were made by the following members of the Commission: Algeria (47th), Australia (45th), Brazil (48th), Bulgaria (41st), Canada (45th), Chile (46th), China (48th), Colombia (44th), Cuba (43rd, 48th), Egypt (47th), India (48th), Indonesia (48th), Italy (on behalf of the European Union) (45th), Japan (47th), Madagascar (44th), Malaysia (45th), Mauritania (47th), Pakistan (48th), Peru (48th), Russian Federation (48th), Sri Lanka (47th), United States of America (48th), Venezuela (41st).

291. The Commission heard statements by the observers for: Afghanistan (42nd, 49th), Albania (49th), Armenia (46th), Azerbaijan (49th), Botswana (44th), Equatorial Guinea (43rd), Gambia (49th), Georgia (44th), Greece (46th), Iran (Islamic Republic of) (49th), Iraq (45th, 48th), Israel (49th), Jordan (49th), Kuwait (46th), Lebanon (44th), Myanmar (42nd, 49th), Nigeria (48th), Norway (46th), Papua New Guinea (47th), Poland (46th), Portugal (46th), Rwanda (43rd, 49th), South Africa (46th), Sudan (43rd), Syrian Arab Republic (49th), Zaire (43rd, 46th).

292. A statement was made by the Observer for the United Nations Population Fund (49th).

293. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (49th), African Commission of Health and Human Rights Promoters (44th), Afro-Asian Peoples' Solidarity Organization (46th), All Pakistan Women's Association (44th), American Association of Jurists (43rd), Amnesty International (42nd), Andean Commission of Jurists (49th), Anglican Consultative Council (49th), Anti-Slavery International (46th), Arab Lawyers Union (42nd), Arab Organization for Human Rights (49th), Article XIX: The International Centre against Censorship (44th), Asian Buddhist Conference for Peace (47th), Baha'i International Community (47th), Centre Europe-Tiers Monde (43rd), Christian Democratic International (46th), Christian Solidarity International (46th), Commission for the Defense of Human Rights in Central America (44th), Commission of the Churches on International Affairs of the World Council of Churches (49th), Coordinating Board of Jewish Organizations (44th), France-Libertés: Fondation Danielle Mitterrand (47th), Franciscans International (47th), Freedom House (46th), Friends World Committee for Consultation (Quakers) (49th), Greek Orthodox Archdiocesan Council of North and South America (47th), Himalayan Research and Cultural Foundation (44th), Human Rights Advocates, Inc. (46th), Indian Council of Education (47th), International Association against Torture (49th), International Association for Religious Freedom (41st), International Association of Democratic Lawyers (46th), International Association of Educators for World Peace (44th), International Commission of Jurists (42nd), International Confederation of

Free Trade Unions (44th), International Educational Development, Inc. (44th), International Falcon Movement (46th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (47th), International Federation of ACAT (46th), International Federation of Free Journalists (46th), International Federation of Human Rights (49th), International Federation Terre des Hommes (43rd), International Human Rights Association of American Minorities (46th), International Human Rights Law Group (44th), International Indian Treaty Council (44th), International Institute for Non-Aligned Studies (47th), International Institute for Peace, (44th), International Islamic Federation of Student Organizations (44th), International League for Human Rights (47th), International League for the Rights and Liberation of Peoples (43rd), International Movement against All Forms of Discrimination and Racism (46th), International Movement for Fraternal Union among Races and Peoples (46th), International Peace Bureau (47th), International PEN (43rd), International Prison Watch (49th), International Work Group for Indigenous Affairs (44th), Inter-Parliamentary Union (43rd), Latin American Federation of Associations of Relatives of Disappeared Detainees (46th), Liberation (44th), Minority Rights Group (46th), Movement against Racism and for Friendship among Peoples (46th), Muslim World League (47th), Pax Christi International (44th), Regional Council on Human Rights in Asia (49th), Reporters without Borders-International (47th), Society for Threatened Peoples (44th), Survival International (49th), Transnational Radical Party (44th), Union of Arab Jurists (47th), War Resisters International (46th), Women's International League for Peace and Freedom (47th), World Alliance of Reformed Churches (44th), World Confederation of Labour (49th), World Federation of Democratic Youth (49th), World Muslim Congress (44th), World Organization against Torture (46th), World Peace Council (44th), World Society of Victimology (44th), Worldview International Foundation (49th).

294. Statements in exercise of the right of reply or its equivalent were made by the representatives of Angola (50th), China (44th, 47th, 50th), Cuba (44th, 50th), Germany (47th), India (50th) and Pakistan (44th, 47th, 50th) and by the observers for Afghanistan (47th, 50th), Albania (47th), Bahrain (47th), Cyprus (50th), Equatorial Guinea (47th), Greece (50th), the Islamic Republic of Iran (50th), Iraq (47th, 50th), Kenya (47th), Kuwait (50th), Lebanon (50th), Nigeria (44th), Papua New Guinea (47th), the Sudan (47th), Turkey (47th, 50th) and Viet Nam (47th).

Situation of human rights in Burundi

295. On the recommendation of its officers, the Commission considered the situation of human rights in Burundi, under agenda item 10, at its 15th meeting, on 27 March 1996.

296. At the same meeting, the United Nations High Commissioner for Human Rights made a statement.

297. At the same meeting, the Special Rapporteur on the situation of human rights in Burundi, Mr. Paulo Sérgio Pinheiro, introduced his report (E/CN.4/1996/16 and Add.1).

298. At the same meeting, Ms. Marcienne Mujawaha, Minister for Human Rights of Burundi, addressed the Commission.

299. In the general debate on the situation of human rights in Burundi under agenda item 10, statements 2/ were made by the following members of the Commission: Brazil (on behalf of Argentina, Bolivia, Chile, Colombia, Costa Rica, El Salvador, Ecuador, Nicaragua and Peru) (15th), Canada (15th), El Salvador (15th), Gabon (on behalf of the Group of African States) (15th), Italy (on behalf of the European Union) (15th), Japan (15th), Russian Federation (15th), United States of America (15th).

300. The Commission heard statements by the observers for the Holy See (15th), Norway (15th) and Switzerland (15th).

301. The Commission also heard statements by the following non-governmental organizations: Amnesty International (15th), International Commission of Jurists (15th), Pax Christi International (15th), World Organization against Torture (15th).

302. At the 15th meeting, the representative of Gabon introduced draft resolution E/CN.4/1996/L.4, sponsored by Gabon (on behalf of the Group of African States). Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Peru, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

303. The representative of Gabon orally revised the draft resolution by replacing the word "society", in the penultimate preambular paragraph, by the words "the reconciliation process".

304. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

305. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/1.

Situation of human rights in Equatorial Guinea

306. At the 58th meeting, on 23 April 1996, the representative of Gabon introduced draft resolution E/CN.4/1996/L.30/Rev.1, sponsored by Gabon (on behalf of the Group of African States).

307. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

308. A statement in explanation of vote before the vote was made by the representative of Venezuela.

309. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/66.

Situation of human rights in southern Lebanon and West Bekaa

310. At its 58th and 59th meetings, on 23 April 1996, the Commission considered draft resolution E/CN.4/1996/L.78, introduced by the representative of Egypt and sponsored by Afghanistan, Algeria, Bahrain, Bangladesh, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen.

311. Statements in connection with the draft resolution were made by the representatives of Australia (59th), Italy (on behalf of the European Union) (58th), the Philippines (59th) and the United States of America (59th) and by the observers for Israel (59th) and Lebanon (58th).

312. The representative of the United States of America requested a vote and made a statement in explanation of vote before the vote.

313. At the request of the representative of Egypt, a roll-call vote was taken on the draft resolution, which was adopted by 50 votes to 1, with 2 abstentions. The voting was as follows:

In favour: Algeria, Angola, Australia, Austria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Germany, Guinea, Hungary, India, Indonesia, Italy, Japan, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Nepal, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Sri Lanka, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Cameroon, Côte d'Ivoire.

314. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/68.

Situation of human rights in Cuba

315. At the 59th meeting, on 23 April 1996, the representative of the United States of America introduced draft resolution E/CN.4/1996/L.86, sponsored by Australia, Belgium, Bulgaria, Canada, the Czech Republic, Finland, France, Germany, Hungary, Iceland, Japan, the Netherlands, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Denmark, Luxembourg, Romania and Sweden subsequently joined the sponsors.

316. A statement in connection with the draft resolution was made by the representative of Cuba.

317. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

318. A statement in explanation of vote before the vote was made by the representative of Chile.

319. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 20 votes to 5, with 28 abstentions. The voting was as follows:

In favour: Australia, Austria, Bulgaria, Canada, Chile, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Hungary, Italy, Japan, Madagascar, Netherlands, Nicaragua, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: China, Cuba, India, Indonesia, Zimbabwe.

Abstaining: Algeria, Angola, Bangladesh, Belarus, Benin, Bhutan, Brazil, Cameroon, Colombia, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Guinea, Malawi, Malaysia, Mali, Mauritania, Mexico, Nepal, Pakistan, Peru, Philippines, Russian Federation, Sri Lanka, Uganda, Ukraine, Venezuela.

320. At the 62nd meeting, on 24 April 1996, the representative of Mexico made a statement in explanation of vote after the vote.

321. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/69.

Cooperation with representatives of United Nations human rights bodies

322. At the 59th meeting, on 23 April 1996, the representative of Hungary introduced draft resolution E/CN.4/1996/L.87, sponsored by Australia, Austria, Chile, Costa Rica, Haiti, Italy, Norway, Sweden and Switzerland. Argentina, Canada, the Czech Republic, Denmark, El Salvador, Hungary, Ireland, Japan, Madagascar, Senegal, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

323. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/70.

Situation of human rights in China

324. At the 59th meeting, on 23 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.90, sponsored by Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Iceland and Japan subsequently joined the sponsors. The draft resolution read as follows:

"Situation of human rights in China

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on human rights,

"Recalling the Vienna Declaration and Programme of Action in which the World Conference on Human Rights reaffirmed the obligation of all Member States to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under international instruments in this field,

"Mindful that China is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, and welcoming China's expressed interest in acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

"Recognizing the significant transformation Chinese society has undergone since the introduction of the reform policies and the successful efforts of the Chinese Government in the development of the economic situation of the country and in reducing the share of its people living in extreme poverty, thus enhancing the enjoyment of economic rights,

"Welcoming certain recent positive developments taking place in the framework of the reform of the Chinese legal system, in particular the adoption by the Chinese Parliament of a criminal procedure more respectful of the rights of the defendant, adopted with a view to bringing China's legislation towards higher standards consistent with the rule of law,

"Concerned, however, about reports of the persistence of violations of human rights and fundamental freedoms throughout China, including inadequate protection of the distinct cultural, ethnic, linguistic and religious identity of Tibetans and others,

"Taking note of the reports of the Special Rapporteurs on the question of torture (E/CN.4/1996/35 and Add.1), on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4 and Corr.1) and on religious intolerance (E/CN.4/1996/95), as well as the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1996/38),

"Concerned at the treatment of political dissidents often sentenced to long-term imprisonment for non-violent activities, and the practice of administrative detention,

"1. Expresses its concern at continuing reports of violations of human rights and fundamental freedoms in China by local, provincial and national authorities and severe restrictions on the rights of citizens to freedom of assembly, association, expression and religion as well as to due legal process and to a fair trial;

"2. Calls upon the Government of the People's Republic of China to take further measures to improve the impartial administration of justice, to ensure the observance of all human rights for all women and men, and to ensure full implementation of its obligations under the human rights conventions to which it is a party, including its obligations under the Convention on the Rights of the Child;

"3. Welcomes the Chinese Government's readiness to exchange information on human rights issues, and encourages the People's Republic of China to continue and strengthen its bilateral dialogues as an important instrument of mutual information and cooperation, with a view to reaching further positive developments before the next session of the Commission on Human Rights;

"4. Also welcomes the willingness of the Government of the People's Republic of China for its acceptance of a visit by the Special Rapporteur on religious intolerance, and invites the Chinese Government to cooperate fully with all thematic and special rapporteurs and working groups;

"5. Requests the Secretary-General to bring the present resolution to the attention of the Government of the People's Republic of China and to submit a report to the Commission on Human Rights at its fifty-third session on the situation of human rights in China."

325. A statement in connection with the draft resolution was made by the representative of China. Under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of China moved that the Commission take no decision on the draft resolution.

326. Statements in connection with that motion were made by the representatives of Angola, Australia, Bangladesh, Bulgaria, Canada, Cuba, Denmark, El Salvador, Germany, Hungary, India, Italy, Malawi, Mauritania, the Netherlands, Pakistan, Sri Lanka and the United States of America.

327. At the request of the representative of China, a roll-call vote was taken on the motion, which was carried by 27 votes to 20, with 6 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Belarus, Benin, Bhutan, Cameroon, China, Côte d'Ivoire, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mauritania, Nepal, Pakistan, Peru, Sri Lanka, Uganda, Ukraine, Zimbabwe.

Against: Australia, Austria, Brazil, Bulgaria, Canada, Chile, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Hungary, Italy, Japan, Malawi, Netherlands, Nicaragua, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Colombia, Mexico, Philippines, Republic of Korea, Russian Federation, Venezuela.

Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

328. At the 59th meeting, on 23 April 1996, the representative of the United States of America introduced draft resolution E/CN.4/1996/L.75, sponsored by the Czech Republic, El Salvador, Germany, Latvia and the United States of America. Albania, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, Denmark, Finland, France, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Slovenia, South Africa, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

329. The draft resolution was orally revised by the representative of the United States of America as follows:

(a) The third preambular paragraph, which read as follows, was deleted:

> "*Gravely concerned* at the human tragedy that has occurred in the Republic of Bosnia and Herzegovina and also in the Republic of Croatia and in the Federal Republic of Yugoslavia (Serbia and Montenegro), by the associated massive and systematic violations of human rights and international humanitarian law, including genocidal acts, and in particular at those violations committed in the context of the systematic practice of ethnic cleansing, which has been the direct cause of the vast majority of human rights violations there,";

(b) At the end of the sixteenth preambular paragraph, after "displaced persons", the words "to their homes of origin" were inserted;

(c) In operative paragraph 1, after "humanitarian law", the words "by the parties to" were replaced by the word "during";

(d) In operative paragraph 21, after "authorities of", the words "its entities -" were inserted and a dash was inserted after "Srpska";

(e) In operative paragraph 24, after "deplores", the words "reports of" were replaced by the word "reported";

(f) At the end of operative paragraph 43, the words "of the former Yugoslav Republic of Macedonia" were deleted.

330. Statements in connection with the draft resolution were made by the representative of the Russian Federation and by the observers for Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia.

331. At the request of the representative of the Russian Federation, a roll-call vote was taken on the seventh preambular paragraph and operative paragraphs 1, 25, 26 and 27, together. The Commission decided to retain these paragraphs by 38 votes to none, with 12 abstentions. The voting was as follows:

In favour: Algeria, Australia, Austria, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Canada, Chile, Colombia, Côte d'Ivoire, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Gabon, Germany, Hungary, Indonesia, Italy, Japan, Malawi, Malaysia, Mauritania, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: None.

Abstaining: Angola, Belarus, Cameroon, China, Ethiopia, Guinea, India, Mexico, Nepal, Russian Federation, Sri Lanka, Zimbabwe.

332. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

333. The draft resolution, as orally revised, was adopted without a vote.

334. At the 62nd meeting, on 24 April 1996, the representative of Mexico made a statement in connection with the resolution.

335. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/71.

Situation of human rights in Iraq

336. At the 60th meeting, on 23 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.92, sponsored by Andorra, Austria, Belgium, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Kuwait, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Norway, Portugal, Romania, San Marino, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia, Canada, Iceland and the United States of America subsequently joined the sponsors.

337. Statements in connection with the draft resolution were made by the observers for Iraq and Kuwait.

338. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

339. Statements in explanation of vote before the vote were made by the representatives of Algeria and Malaysia.

340. At the request of the representative of Algeria, a roll-call vote was taken on the draft resolution, which was adopted by 30 votes to none, with 21 abstentions. The voting was as follows:

In favour:	Australia, Austria, Belarus, Benin, Brazil, Bulgaria, Canada, Chile, Colombia, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Germany, Hungary, Italy, Japan, Malawi, Mexico, Netherlands, Nicaragua, Peru, Republic of Korea, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.
Against:	None.
Abstaining:	Algeria, Angola, Bangladesh, Bhutan, Cameroon, China, Côte d'Ivoire, Cuba, Egypt, Ethiopia, India, Indonesia, Malaysia, Mali, Mauritania, Nepal, Pakistan, Philippines, Sri Lanka, Uganda, Zimbabwe.

341. At the 62nd meeting, on 24 April 1996, the representative of Egypt made a statement in explanation of vote after the vote.

342. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/72.

Situation of human rights in the Sudan

343. At the 60th meeting, on 23 April 1996, the representative of the United States of America introduced draft resolution E/CN.4/1996/L.95, sponsored by Australia, Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Norway, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, Canada, France, Iceland, Japan, Liechtenstein, Portugal and South Africa subsequently joined the sponsors.

344. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

345. A statement in explanation of vote before the vote was made by the representative of Egypt.

346. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/73.

Extrajudicial, summary or arbitrary executions

347. At the 60th meeting, on 23 April 1996, the Observer for Sweden introduced draft resolution E/CN.4/1996/L.96, sponsored by Australia, Austria, Belgium, Bulgaria, Chile, Cyprus, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Iceland, Italy, Latvia, the Netherlands, Norway, Portugal, Romania, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Argentina, Canada, Ireland, Liechtenstein, Luxembourg, Madagascar, New Zealand and Uruguay subsequently joined the sponsors.

348. The draft resolution was orally revised by the Observer for Sweden as follows:

(a) In operative paragraph 4, after the words "International Criminal Court", the phrase "as one important means to eradicate impunity for the most serious violations of human rights and international humanitarian law" was deleted;

(b) Operative paragraph 5, which read:

> "5. Urges the Governments of all States in which the death penalty has not been abolished to ensure the full compliance with relevant provisions of international human rights instruments and the Economic and Social Council Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty adopted in 1984 and annexed to the present resolution;"

was replaced by a new text;

(c) At the end of operative paragraph 7 (e), the words "inter alia lawyers, journalists, trade union leaders and activists in human rights organizations" were deleted;

(d) In operative paragraph 12, before "by issuing invitations", the words", where appropriate," were inserted;

(e) In operative paragraph 19, the words "a report" were replaced by "an interim report";

(f) The annex to the draft resolution, containing the Economic and Social Council Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted in 1984, was deleted.

349. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

350. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/74.

Situation of human rights in Afghanistan

351. At the 60th meeting, on 23 April 1996, the Chairman introduced draft resolution E/CN.4/1996/L.98, submitted by the Chairman.

352. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/75.

Situation of human rights in Rwanda

353. At the 60th meeting, on 23 April 1996, the representative of Canada introduced draft resolution E/CN.4/1996/L.99, sponsored by Angola, Australia, Austria, Belgium, Burundi, Canada, Denmark, Equatorial Guinea, Finland, the Gambia, Germany, Hungary, Ireland, Italy, Luxembourg, New Zealand, Norway, Rwanda, South Africa, the Sudan, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and Zaire. Argentina, Bangladesh, Benin, Bulgaria, Chile, Colombia, Ethiopia, France, Ghana, Greece, Liechtenstein, Madagascar, the Netherlands, Portugal, Senegal, Spain, Tunisia, Uganda and the United States of America subsequently joined the sponsors.

354. The draft resolution was orally revised by the representative of Canada as follows:

(a) In the eighth preambular paragraph, after "*Reaffirming*", the word "that" was replaced by the words "the link between";

(b) In the same paragraph, the words "is linked with" were replaced by the word "and"; the word "and" was also inserted before "concerned";

(c) Operative paragraphs 6 and 7 were merged by inserting, at the end of paragraph 6, the word "and", the subsequent paragraphs being renumbered accordingly.

355. A statement in connection with the draft resolution was made by the Observer for Rwanda.

356. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

357. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/76.

Situation of human rights in Zaire

358. At the 60th meeting, on 23 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.93/Rev.1, sponsored by Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Norway, Portugal,

San Marino, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Canada subsequently joined the sponsors.

359. A statement in connection with the draft resolution was made by the Observer for Zaire.

360. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

361. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/77.

Situation of human rights in Nigeria

362. At the 60th meeting, on 23 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.52/Rev.1, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, Japan, Slovakia and South Africa subsequently joined the sponsors.

363. Statements in connection with the draft resolution were made by the representative of Gabon (on behalf of the Group of African States) and by the Observer for Nigeria.

364. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

365. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/79.

Situation of human rights in Myanmar

366. At the 60th meeting, on 23 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.91, sponsored by Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

367. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

368. A statement in connection with the draft resolution was made by the Observer for Myanmar.

369. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/80.

Situation of human rights in East Timor

370. At the 60th meeting, on 23 April 1996, the Chairman made the following statement on the situation of human rights in East Timor:

> "The Commission on Human Rights discussed the human rights situation in East Timor.
>
> "The Commission continues to follow with deep concern the reports on violations of human rights in East Timor.
>
> "The Commission recalls the undertakings by the Government of Indonesia to promote human rights in East Timor and those contained in Chairman's statements on the matter at previous sessions. The Commission stresses the need to take further steps towards their implementation, including the early release of the East Timorese detained or convicted and further clarification of the circumstances surrounding the Dili incident of 1991.
>
> "The Commission notes with satisfaction the greater access recently granted by the Indonesian authorities to the international media and humanitarian organizations and trusts that it will be expanded further to human rights organizations.
>
> "The Commission welcomes the visit to East Timor by the United Nations High Commissioner for Human Rights, Mr. José Ayala Lasso, on 6 December 1995, and stresses the importance of this visit in the context of the Chairman's statement at the previous session. The Commission notes with satisfaction the understanding reached between the Indonesian authorities and the High Commissioner concerning the upgrading of the current Memorandum of Intent on technical cooperation in the field of human rights, signed in Jakarta on 26 October 1994, into a memorandum of understanding. In this context, it was also provisionally agreed to look into the possibility of the High Commissioner assigning a programme officer within the office of the United Nations Development Programme in Jakarta to follow up the implementation of the technical cooperation agreement. This officer would also have regular access to East Timor.
>
> "The Commission welcomes the intention of the Government of Indonesia to continue to cooperate with the Commission on Human Rights and its mechanisms, as well as its intention to invite a thematic rapporteur in 1997.
>
> "The Commission welcomes the result of the seventh round of the tripartite dialogue between the Ministers for Foreign Affairs of Indonesia and Portugal on the question of East Timor under the auspices of the Secretary-General of the United Nations, held in London on

16 January 1996, and encourages the Secretary-General to continue his good offices in order to achieve a just, comprehensive and internationally acceptable solution to the question of East Timor.

"The Commission welcomes the informal bilateral meeting between President Suharto and Prime Minister Guterres at the Asia-Europe Meeting in Bangkok on 29 February 1996 and expresses the hope that it will contribute positively to the ongoing tripartite dialogue. The Commission also welcomes the holding of the all-inclusive intra-East Timorese dialogue in Burg Schlaining, Austria, from 19 to 22 March 1996.

"The Commission requests the Secretary-General to keep it informed on the situation of human rights in East Timor and will consider the matter at its fifty-third session."

Situation of human rights in the Republic of Chechnya of the Russian Federation

371. At the 61st meeting, on 24 April 1996, the Chairman made the following statement on the situation of human rights in the Republic of Chechnya of the Russian Federation:

"The Commission on Human Rights, having examined the report of the Secretary-General (E/CN.4/1996/13) of 26 March 1996 and its addendum (E/CN.4/1996/13/Add.1) of 22 April 1996, recalls its Chairman's statement of 1995 in connection with the grave situation of human rights in the Republic of Chechnya of the Russian Federation. The Commission is deeply concerned that, in spite of its urgent call, the disproportionate use of force by the Russian Federation armed forces, resulting in high numbers of civilian casualties, is continuing to lead to grave violations of human rights, as well as of international humanitarian law.

"The Commission remains deeply preoccupied with the continued fighting and notes that, despite the latest peace initiative by President Yeltsin, a lasting cease-fire has not been carried out on the ground. Accordingly, the Commission strongly deplores the high numbers of victims and the suffering inflicted on the civilian population and on displaced persons who are subjected to the effects of the armed confrontation. Severe destruction of Chechen towns and villages with consequent displacement of a large proportion of the civilian population is a conspicuous feature of military actions in the Republic this year as in 1995. In this context, the Commission calls for an immediate and permanent cessation of the bombardment of civilian towns and villages that is still continuing. The Commission strongly deplores this and the serious destruction of installations and infrastructure used by civilians. It condemns all violations and abuses of human rights and international humanitarian law and calls for all those who have committed violations of human rights and other crimes to be brought to justice.

"The Commission on Human Rights urges the parties concerned to respect fully the principles of international law and calls urgently for an immediate and lasting cessation of hostilities, violations of human rights and other acts of violence, convinced that political dialogue and effective negotiations are the only means to achieve a genuine and lasting settlement. The Commission calls for immediate contacts between representatives of the parties with the aim of finding a peaceful solution to the conflict, consistent with respect for the territorial integrity and the Constitution of the Russian Federation. It further reiterates that the fundamental human rights of the people of the Republic of Chechnya should be upheld, and calls for the holding of free and democratic elections in due time.

"The Commission on Human Rights stresses the important role of the Organization for Security and Cooperation in Europe and its assistance group, in accordance with its mandate, in the peaceful settlement of the conflict and the implementation of a peace plan.

"The Commission on Human Rights further calls for unhindered delivery of humanitarian aid to all groups of the civilian population in need of such assistance and free access to all areas of the region by international humanitarian organizations contributing to international humanitarian efforts in the Republic of Chechnya.

"The Commission on Human Rights calls for the immediate release of all those who have been detained in connection with the conflict and urges that in the interim they receive treatment in conformity with international humanitarian law. The Commission further calls for the International Committee of the Red Cross to be permitted to have regular access to all detainees, in conformity with its standard criteria, in order to verify the conditions of their detention and treatment. To help provide aid to the victims, the Commission asks the authorities of the Russian Federation to facilitate the activities of humanitarian and human rights organizations.

"The Commission on Human Rights acknowledges the cooperation of the Russian Federation with the United Nations High Commissioner for Human Rights and the special mechanisms of the Commission and encourages the Government of the Russian Federation to continue its cooperation with them. The Commission requests the High Commissioner to continue his consultations with the Government of the Russian Federation, on the basis of his assessment of the situation in the Republic of Chechnya, in order to secure the implementation of the objectives of the international community as reflected in the present consensus statement and to foster confidence-building measures based on respect for human rights.

"The Commission on Human Rights requests the Secretary-General to report on the situation of human rights in the Republic of Chechnya of the Russian Federation at its fifty-third session under the appropriate agenda item."

Situation of human rights in the Islamic Republic of Iran

372. At its 58th meeting, on 23 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.42/Rev.1.

373. At its 62nd meeting, on 24 April 1996, the Commission resumed consideration of draft resolution E/CN.4/1996/L.42/Rev.1, which was introduced by the representative of Italy (on behalf of the European Union) and sponsored

by Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Romania, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Australia, Canada, the Czech Republic, Iceland, Japan, Slovakia and Switzerland subsequently joined the sponsors.

374. Statements in connection with the draft resolution were made by the representatives of Pakistan and the United States of America and by the Observer for the Islamic Republic of Iran.

375. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

376. A statement in explanation of vote before the vote was made by the representative of India.

377. At the request of the representative of Pakistan, a roll-call vote was taken on the draft resolution, which was adopted by 24 votes to 7, with 20 abstentions. The voting was as follows:

In favour: Algeria, Australia, Austria, Brazil, Bulgaria, Canada, Chile, Colombia, Denmark, Dominican Republic, Ecuador, France, Germany, Hungary, Italy, Japan, Mexico, Netherlands, Nicaragua, Peru, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bangladesh, China, Cuba, India, Indonesia, Malaysia, Pakistan.

Abstaining: Angola, Belarus, Benin, Bhutan, Cameroon, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Guinea, Malawi, Mali, Mauritania, Nepal, Philippines, Republic of Korea, Sri Lanka, Uganda, Ukraine, Zimbabwe.

378. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/84.

(a) Question of human rights in Cyprus

379. In the general debate on agenda item 10 (a), statements 2/ were made by the following members of the Commission: Angola (46th), Brazil (50th), Bulgaria (41st), India (48th), Japan (47th), Madagascar (44th), Russian Federation (48th).

380. The Commission heard statements by the observers for: Armenia (46th), Cyprus (48th), Greece (46th).

381. At the 60th meeting, on 23 April 1996, the Chairman submitted a draft decision on the question of human rights in Cyprus. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1996/112.

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

382. The Commission considered agenda item 10 (b) in closed session at its 37th and 38th meetings, on 12 April 1996. It had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in Armenia, Azerbaijan, Chad, Mali, Nepal, Saudi Arabia, Sierra Leone, Slovenia, Thailand and Uzbekistan, as publicly announced by the Chairman. The Chairman also announced that the Commission had decided to discontinue consideration of the human rights situations in Armenia, Azerbaijan, Mali, Nepal, Slovenia and Thailand.

383. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Economic and Social Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under that resolution or to any confidential material relating thereto.

384. In accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the Chairman would designate five members of the Commission to serve in their personal capacity on the Working Group on Situations meeting prior to the fifty-third session of the Commission in 1997.

XI. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

385. The Commission considered agenda item 11 concurrently with items 16 and 18 (see chaps. XVI and XVIII) at its 18th to 22nd meetings, from 29 March to 2 April, and at its 35th meeting, on 11 April 1996. 1/

386. For the documents issued under agenda item 11, see annex IV to the present report.

387. In the general debate on agenda item 11, statements 2/ were made by the following members of the Commission: Chile (20th), Egypt (20th), Mexico (19th), Pakistan (20th), Philippines (20th), Sri Lanka (18th).

388. The Commission heard statements by the observers for: Equatorial Guinea (19th), Iran (Islamic Republic of) (21st), Morocco (19th), Turkey (21st).

389. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (22nd), Commission for the Defense of Human Rights in Central America (21st), Commission of the Churches on International Affairs of the World Council of Churches (18th), Human Rights Advocates, Inc. (22nd), International Confederation of Free Trade Unions (21st), International Movement against All Forms of Discrimination and Racism (19th), Movement against Racism and for Friendship among Peoples (18th), Women's International League for Peace and Freedom (21st), World Confederation of Labour (21st).

390. At its 35th meeting, on 11 April 1996, the Commission took up consideration of the draft resolutions submitted under agenda item 11.

Violence against women migrant workers

391. The representative of the Philippines introduced draft resolution E/CN.4/1996/L.25, sponsored by Chile, Iraq, Mongolia, Nepal, the Philippines, Portugal, South Africa and Thailand. Argentina, Bangladesh, El Salvador, Equatorial Guinea, Honduras, Morocco, Nicaragua, Peru, the Republic of Korea, Sri Lanka and Zimbabwe subsequently joined the sponsors.

392. The representative of the Philippines orally revised the draft resolution by inserting, in the third preambular paragraph, before the word "causes", the words "external and internal root".

393. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/17.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

394. The representative of Mexico introduced draft resolution E/CN.4/1996/L.27, sponsored by Chile, Cuba, Egypt, El Salvador, Guatemala, Mexico, Nicaragua, the Philippines, Portugal, Tunisia and Turkey. Equatorial Guinea, Honduras, Madagascar, Morocco, Peru and Sri Lanka subsequently joined the sponsors.

395. The representative of Mexico orally revised the draft resolution by inserting, in operative paragraph 4, after "to provide", the words, "from within existing resources,".

396. The representative of the United States of America orally amended the draft resolution by replacing the words "adopt appropriate", in operative paragraph 8, by "review and adopt, as appropriate,". The amendment was accepted by the sponsors.

397. The draft resolution, as orally revised and amended, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/18.

XII. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

398. The Commission considered agenda item 12 at its 8th to 10th meetings, from 22 to 25 March, at its 34th meeting, on 11 April and at its 51st meeting, on 19 April 1996. 1/

399. For the documents issued under agenda item 12, see annex IV to the present report.

400. In the general debate on agenda item 12, statements 2/ were made by the following members of the Commission: Algeria (10th), Angola (10th), Brazil (8th), China (8th), Cuba (9th), India (10th), Italy (10th), Nepal (9th), Pakistan (10th), Republic of Korea (10th), Russian Federation (10th), United States of America (10th).

401. The Commission heard statements by the observers for: Cyprus (10th), Czech Republic (10th), Israel (10th), Senegal (10th), Turkey (10th).

402. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (9th), Centre Europe-Tiers Monde (10th), International Association against Torture (10th), International Association of Educators for World Peace (10th), International Movement against All Forms of Discrimination and Racism (10th), Movement against Racism and for Friendship among Peoples (10th), Women's International League for Peace and Freedom (8th), World Peace Council (8th).

403. A statement in exercise of the right of reply was made by the representative of Brazil (11th).

Third Decade to Combat Racism and Racial Discrimination

404. At the 34th meeting, on 11 April 1996, the Observer for Senegal introduced draft resolution E/CN.4/1996/L.14, sponsored by Afghanistan, Algeria, Angola, Argentina, Benin, Brazil, Burundi, Chile, Costa Rica, Côte d'Ivoire, Cuba, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, India, Israel, Kenya, the Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Morocco, Nicaragua, Nigeria, Peru, Portugal, Rwanda, Senegal, South Africa, the Sudan, Tunisia, the United Republic of Tanzania and Zimbabwe. Cameroon, Ecuador, France, Honduras, Pakistan, the Philippines, the Republic of Korea, Sri Lanka, Turkey and Venezuela subsequently joined the sponsors.

405. The draft resolution was orally revised by the Observer for Senegal as follows:

(a) Operative paragraph 4, which read:

> "4. Encourages States parties to review periodically any reservations made in respect of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and in particular article 4, with a view to withdrawing them;"

was replaced by a new text;

(b) In operative paragraph 17, the word "Welcomes" was replaced by "Notes".

406. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution. In this connection, statements were made by the representatives of Cuba, and the Netherlands and by the Observer for Senegal.

407. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/8.

408. At the 51st meeting, on 19 April 1996, a statement in connection with the resolution was made by the representative of the United States of America.

Measures to combat contemporary forms of racism

409. At the 51st meeting, on 19 April 1996, the Observer for Turkey introduced draft resolution E/CN.4/1996/L.22/Rev.1, sponsored by Albania, Benin, Chile, China, Mexico, Pakistan and Turkey. Angola, Azerbaijan, Canada, Israel, the Republic of Korea, Tunisia and Uruguay subsequently joined the sponsors.

410. The amendments to draft resolution E/CN.4/1996/L.22, proposed by the delegation of Cuba (E/CN.4/1996/L.24) were withdrawn. The proposed amendments read as follows:

"1. Replace operative paragraph 9 by the following:

'Decides to extend for a period of three years the mandate of the Special Rapporteur to examine incidents of contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as governmental measures to overcome them, and to report on these matters to the Commission on a yearly basis, beginning at its fifty-third session.'

"2. Add a new paragraph after operative paragraph 9 reading as follows:

'Requests the Special Rapporteur to devote due attention, in the discharge of his mandate, to any form of discrimination, inter alia, against Blacks, Arabs and Muslims, anti-Semitism and negrophobia.'

"3. Replace operative paragraph 19 by the following:

'Recommends the following draft decision to the Economic and Social Council for adoption:

'"The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/... of ... 1996, approves the Commission's decision to extend for a period of three years the mandate of the Special Rapporteur to examine incidents of contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as governmental measures to overcome them, and to report on these matters to the Commission on a yearly basis, beginning at its fifty-third session, and the Commission's request to the Secretary-General to provide the Special Rapporteur with all the necessary assistance and resources in carrying out his mandate."'"

411. The amendments to draft resolution E/CN.4/1996/L.22 proposed by the delegation of India (E/CN.4/1996/L.35/Rev.1) were withdrawn. The proposed amendments read as follows:

"1. Add the following new operative paragraph immediately before operative paragraph 10:

'Decides to make all contemporary forms of racism, racial discrimination, xenophobia and related intolerance a major focus of the fifty-third session of the Commission.'

"2. Add the following new subparagraph to the draft decision contained in operative paragraph 19:

'19. Recommends the following draft decision to the Economic and Social Council for adoption:

'"The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/... of .. April 1996, approves the Commission's decision to make all contemporary forms of racism, racial discrimination, xenophobia and related intolerance a major focus of its fifty-third session."'"

412. Draft resolution E/CN.4/1996/L.22/Rev.1 was orally revised by the Observer for Turkey as follows:

(a) In the fifth preambular paragraph, after "World Conference on Human Rights", the words ", held in Vienna from 14 to 25 June 1993," were inserted;

(b) In the same paragraph, after "Programme of Action", the document symbol "(A/CONF.157/23)" was inserted;

(c) In the ninth preambular paragraph, the word "considered" was replaced by "examined";

(d) In operative paragraph 6, the words "the role" were replaced by "any role".

413. A statement in connection with the draft resolution was made by the representative of Bangladesh.

414. A statement in explanation of vote before the vote was made by the representative of Egypt.

415. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

416. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/21.

417. The representatives of Italy (on behalf of the European Union) and the United States of America made statements in connection with the resolution after its adoption.

XIII. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

418. The Commission considered agenda item 13 concurrently with items 5, 6 and 14 (see chaps. V, VI and XIV) at its 11th to 18th meetings, from 25 to 29 March, and at its 35th meeting, on 11 April 1996. 1/

419. For the documents issued under agenda item 13, see annex IV to the present report.

420. In the general debate on agenda item 13, statements 2/ were made by the following members of the Commission: Australia (16th), China (16th), Hungary (12th), Philippines (17th), Russian Federation (16th).

421. The Commission heard statements by the observers for the Czech Republic (14th) and the Islamic Republic of Iran (14th).

422. The Commission also heard statements by the following non-governmental organizations: Asian Buddhist Conference for Peace (14th), Himalayan Research and Cultural Foundation (14th), Indian Council of Education (14th), Pax Romana (11th).

423. A statement in exercise of the equivalent of the right of reply was made by the Observer for Viet Nam (11th).

Status of the International Covenants on Human Rights

424. At the 35th meeting, on 11 April 1996, the Observer for Norway introduced draft resolution E/CN.4/1996/L.15, sponsored by Argentina, Armenia, Australia, Austria, Belarus, Bulgaria, Canada, Chile, Costa Rica, Croatia, Denmark, Ecuador, El Salvador, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Luxembourg, Madagascar, Mauritius, the Netherlands, New Zealand, Nicaragua, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Russian Federation, Senegal, Slovakia, Spain, Sweden, Switzerland, Ukraine and Venezuela. Azerbaijan, the Czech Republic, Equatorial Guinea, Honduras and Israel subsequently joined the sponsors.

425. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/16.

XIV. EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

426. The Commission considered agenda item 14 concurrently with items 5, 6 and 13 (see chaps. V, VI and XIII) at its 11th to 18th meetings, from 25 to 29 March, and at its 51st meeting, on 19 April 1996. 1/

427. For the documents issued under agenda item 14, see annex IV to the present report.

428. In the general debate on agenda item 14, statements 2/ were made by the following members of the Commission: Australia (16th), China (16th), Hungary (12th), Philippines (17th), Republic of Korea (17th), Russian Federation (16th).

429. The Commission heard statements by the observers for: Czech Republic (14th), Iran (Islamic Republic of) (14th), Israel (12th), New Zealand (16th).

430. The Commission also heard statements by the following non-governmental organizations: Asian Buddhist Conference for Peace (14th), Indigenous World Association (14th), International Institute for Peace (18th).

431. At the 51st meeting, on 19 April 1996, the representative of Canada introduced draft resolution E/CN.4/1996/L.13/Rev.1, sponsored by Australia, Canada, Denmark, Italy, Norway, Portugal and Sweden. Austria, Chile, the Czech Republic, Finland, France, Germany, Israel, Liechtenstein, the Netherlands, New Zealand, the Philippines, Poland, the Republic of Korea and Ukraine subsequently joined the sponsors.

432. A statement in explanation of vote before the vote was made by the representative of India.

433. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/22.

XV. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SEVENTH SESSION

434. The Commission considered agenda item 15 at its 22nd and 23rd meetings, on 2 April, at its 51st meeting, on 19 April, and at its 58th meeting, on 23 April 1996. 1/

435. For the documents issued under agenda item 15, see annex IV to the present report.

436. At the 22nd meeting, on 2 April 1996, Mr. Ioan Maxim, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-seventh session, introduced his report (E/CN.4/1996/81).

437. In the general debate on agenda item 15, statements 2/ were made by the following members of the Commission: Australia (23rd), Bangladesh (23rd), China (23rd), El Salvador (23rd), India (23rd), Pakistan (23rd), Philippines (23rd), Republic of Korea (23rd), Russian Federation (23rd), Ukraine (23rd), United States of America (22nd).

438. The Commission heard statements by the observers for Norway (on behalf of the Nordic countries) (23rd) and Poland (23rd). The observers for Switzerland (23rd) and the International Committee of the Red Cross (23rd) also made statements.

439. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (23rd), African Commission of Health and Human Rights Promoters (23rd), Afro-Asian Peoples' Solidarity Organization (23rd), American Association of Jurists (23rd), Commission of the Churches on International Affairs of the World Council of Churches (23rd), Disabled People's International (23rd), Four Directions Council (23rd), Franciscans International (23rd), Himalayan Research and Cultural Foundation (23rd), Indian Council of Education (23rd), International Association for Religious Freedom (22nd), International Commission of Jurists (22nd), International Federation of Women in Legal Careers (23rd), International Human Rights Association of American Minorities (23rd), International Institute for Peace (23rd), International Movement against All Forms of Discrimination and Racism (23rd), Liberation (23rd), Muslim World League (23rd), World Peace Council (23rd), World Society of Victimology (23rd).

Traffic in women and girls

440. At the 51st meeting, on 19 April 1996, the representative of the Philippines introduced draft resolution E/CN.4/1996/L.29, sponsored by Armenia, Belgium, Bhutan, France, Iraq, Israel, Malaysia, Mongolia, Peru, the Philippines, the Republic of Korea, South Africa and Thailand. Argentina, Bangladesh, Benin, Costa Rica, Cuba, Denmark, El Salvador, Finland, Honduras, India, Madagascar, Mali, Morocco, Myanmar, Nicaragua, Norway, Portugal, the Russian Federation, Uruguay and Viet Nam subsequently joined the sponsors.

441. The draft resolution was orally revised by the representative of the Philippines as follows:

(a) In the fifth preambular paragraph, the word "illegal" was replaced by "undocumented";

(b) In the penultimate preambular paragraph, the words "sexual trafficking" were replaced by "sexual exploitation and trafficking";

(c) In operative paragraph 3, the words "consider the development of standard minimum rules for the humanitarian treatment of" were replaced by "accord standard minimum humanitarian treatment to".

442. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/24.

Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

443. At the 51st meeting, on 19 April 1996, the representative of Germany introduced draft resolution E/CN.4/1996/L.33, sponsored by Armenia, Australia, Austria, Bulgaria, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Honduras, Japan, Madagascar, the Netherlands, Norway, Peru, Portugal and the United Kingdom of Great Britain and Northern Ireland. Argentina, Bangladesh, Canada, Costa Rica, Greece, India, Italy, Poland, the Philippines, Slovakia, Spain and Ukraine subsequently joined the sponsors.

444. The draft resolution was orally revised by the representative of Germany as follows:

(a) In the tenth preambular paragraph, before "dependent", the word "basically" was inserted;

(b) In the eleventh preambular paragraph, after "commissioned by the", the words "Economic and Social Council to members of the" were inserted;

(c) In the same paragraph, after the word "alternates", the words ", in cooperation with their consultants, if need be, and the Secretariat," were inserted;

(d) In the twelfth preambular paragraph, the words "of such contacts" were replaced by "for such interaction";

(e) In operative paragraph 4, before "a thorough examination", the words "to undertake" were inserted.

445. A statement in connection with the draft resolution was made by the representative of Cuba.

446. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/25.

Minimum humanitarian standards

447. At the 51st meeting, on 19 April 1996, the Observer for Norway introduced draft resolution E/CN.4/1996/L.36/Rev.1, sponsored by Canada, Denmark, El Salvador, Finland, Germany, Hungary, Iceland, Norway, Poland, Slovenia, South Africa, Sweden, Switzerland and Uruguay. Argentina, Italy, Latvia, Liechtenstein, Madagascar, Portugal, the United States of America and Ukraine subsequently joined the sponsors.

448. The Observer for Norway orally revised the draft resolution by replacing the words "and to submit a report on this matter", in operative paragraph 5, by "on this matter for submission".

449. On the proposal of the representative of Cuba, the sponsors agreed to replace the words "and the Charter", in operative paragraph 1, by ", including the Charter".

450. A statement in connection with the draft resolution was made by the representative of India.

451. The draft resolution, as orally revised and amended, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/26.

Gross and large-scale violations of human rights

452. At the 51st meeting, on 19 April 1996, the representative of the Netherlands introduced draft decision E/CN.4/1996/L.38, sponsored by Denmark, Germany, the Netherlands and the United Kingdom of Great Britain and Northern Ireland. Japan subsequently joined the sponsors.

453. Statements in connection with the draft decision were made by the representatives of Cuba and the Netherlands.

454. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1996/105.

455. In view of the adoption of decision 1996/105, the Commission took no action on draft decision 3, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

Implications for human rights of United Nations action, including humanitarian assistance

456. At the 51st meeting, on 19 April 1996, the representative of the United States of America introduced draft decision E/CN.4/1996/L.40, sponsored by Algeria, Australia, Bangladesh, Belarus, Bulgaria, Canada, Colombia, Denmark, the Dominican Republic, France, Germany, Hungary, Japan, the Netherlands, the Philippines, South Africa, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

457. A statement in explanation of vote before the vote was made by the representative of Cuba.

458. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1996/106.

459. In view of the adoption of decision 1996/106, the Commission took no action on draft decision 2, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

Human rights of persons with disabilities

460. At the 51st meeting, on 19 April 1996, the Observer for Ireland introduced draft resolution E/CN.4/1996/L.47, sponsored by Afghanistan, Algeria, Australia, Austria, Belgium, Canada, Colombia, the Czech Republic, Denmark, Finland, Greece, Iceland, Ireland, Norway, Peru, the Philippines, Portugal, South Africa, Sweden and Venezuela. Argentina, Chile, Costa Rica, the Dominican Republic, El Salvador, Germany, Hungary, the Libyan Arab Jamahiriya, Madagascar, the Netherlands, the Republic of Korea, the United Kingdom of Great Britain and Northern Ireland and Uruguay subsequently joined the sponsors.

461. A statement in connection with the draft resolution was made by the representative of Mexico.

462. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/27.

Systematic rape and sexual slavery during periods of armed conflict

463. At its 51st meeting, on 19 April 1996, the Commission considered draft decision 1, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

464. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

465. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1996/107.

Human rights dimensions of population transfers

466. At its 51st meeting, on 19 April 1996, the Commission considered draft decision 9, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

467. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

468. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1996/108.

Contemporary forms of slavery

469. At its 51st meeting, on 19 April 1996, at the request of the representative of the Netherlands, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.41. Statements in connection with the postponement were made by the representatives of China, Cuba, India and the Netherlands.

470. At the 58th meeting, on 23 April 1996, the representative of the Netherlands introduced draft resolution E/CN.4/1996/L.41, sponsored by Bulgaria, Cameroon, Canada, the Czech Republic, El Salvador, Latvia, the Netherlands and the Republic of Korea. Australia, Costa Rica, Madagascar, Malaysia, the Philippines and Romania subsequently joined the sponsors. Malaysia and Latvia subsequently withdrew as sponsors.

471. The draft resolution was orally revised by the representative of the Netherlands as follows:

(a) In operative paragraph 12, after "(E/CN.4/Sub.2/1995/28/Add.1)", the remaining text, which read as follows:

> "with the proviso that throughout the text the term 'prostitution', to the extent that it relates to prostitution of adults, should read 'coercive prostitution' and that the call on States to enact legislation making it a crime to produce, distribute and possess pornographic material should be limited to legislation with regard to pornographic material involving children;"

was replaced by a new text;

(b) In operative paragraph 13, after "United Nations agencies,", the words "in particular the World Health Organization, as well as the International Criminal Police Organization and all relevant non-governmental organizations," were inserted;

(c) In the same paragraph, before "reliability", the words "prima facie" were deleted.

472. The draft resolution, as orally revised, was adopted without a vote. The representatives of China and India made statements in connection with the resolution after its adoption.

473. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/61.

XVI. RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

474. The Commission considered agenda item 16 concurrently with items 11 and 18 (see chaps. XI and XVIII) at its 18th to 22nd meetings, from 29 March to 2 April, and at its 35th meeting, on 11 April 1996. 1/

475. For the documents issued under agenda item 16, see annex IV to the present report.

476. In the general debate on agenda item 16, statements 2/ were made by the following members of the Commission: Austria (20th), Bangladesh (20th), China (20th), Ethiopia (20th), Hungary (20th), India (20th), Pakistan (21st), Republic of Korea (20th), Russian Federation (20th), Sri Lanka (20th), Ukraine (20th).

477. The Commission heard statements by the observers for: Estonia (21st), Finland (on behalf of the Nordic countries) (21st), Iran (Islamic Republic of) (21st), Latvia (21st), Poland (18th), Romania (21st), Slovakia (21st), Sudan (19th), Switzerland (21st), the former Yugoslav Republic of Macedonia (21st), Viet Nam (21st).

478. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (22nd), Afro-Asian Peoples' Solidarity Organization (21st), All Pakistan Women's Association (22nd), American Association of Jurists (22nd), Centre Europe - Tiers Monde (22nd), Commission of the Churches on International Affairs of the World Council of Churches (18th), Coordinating Board of Jewish Organizations (21st), Himalayan Research and Cultural Foundation (19th), Indian Council of Education (19th), International Association for the Defence of Religious Liberty (18th), International Association of Educators for World Peace (18th), International Council of Jewish Women (19th), International Federation of Rural Adult Catholic Movements (22nd), International Institute for Peace (19th), Liberation (19th), Minority Rights Group (19th), Muslim World League (22nd), Pax Christi International (19th), Society for Threatened Peoples (21st), United Towns Agency for North-South Cooperation (18th), World Federation of Democratic Youth (22nd), World Muslim Congress (22nd), World Peace Council (18th).

479. Statements in exercise of the right of reply or its equivalent were made by the representatives of China (21st) and Mexico (22nd) and by the observers for the Democratic People's Republic of Korea (19th), Estonia (21st) and the Libyan Arab Jamahiriya (19th).

480. At its 35th meeting, on 11 April 1996, the Commission took up consideration of the draft resolutions submitted under agenda item 16.

Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

481. The representative of India introduced draft resolution E/CN.4/1996/L.26, sponsored by Australia, Bhutan, Brazil, Colombia, Cyprus, India, Poland, the Russian Federation and South Africa. Austria, Bulgaria, Canada, Costa Rica, Denmark, El Salvador, Equatorial Guinea, Germany, Greece, Honduras, Ireland,

Italy, Madagascar, the Netherlands, Portugal, Romania, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

482. The draft resolution was adopted without a vote. The representative of Pakistan made a statement in connection with the resolution after its adoption.

483. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/19.

Rights of persons belonging to national or ethnic, religious and linguistic minorities

484. The representative of Austria introduced draft resolution E/CN.4/1996/L.34, sponsored by Afghanistan, Albania, Argentina, Australia, Austria, Belarus, Benin, Brazil, Canada, Costa Rica, Croatia, the Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Ethiopia, Finland, Guatemala, Honduras, Iceland, Liechtenstein, Mongolia, Nicaragua, Norway, Poland, Portugal, the Republic of Korea, the Russian Federation, Rwanda, San Marino, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and Ukraine. Hungary, Latvia and Malta subsequently joined the sponsors.

485. The draft resolution was orally revised by the representative of Austria as follows:

(a) The ninth preambular paragraph, which read as follows, was deleted:

> "*Convinced* that the development of a culture of human rights and tolerance is a sound foundation for any civil society and for peace,";

(b) In operative paragraph 13, after "Minorities", the words "to continue" were deleted.

486. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/20.

XVII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

487. The Commission considered agenda item 17 concurrently with item 8 (see chap. VIII) at its 31st to 36th meetings, on 10 and 11 April, at its 39th to 41st meetings, on 15 April, at its 53rd meeting, on 19 April, and at its 58th meeting, on 23 April 1996. 1/

488. For the documents issued under agenda item 17, see annex IV to the present report.

489. At the 20th meeting, on 1 April 1996, the Special Representative of the Secretary-General on the situation of human rights in Cambodia, Mr. Michael Kirby, introduced his report (E/CN.4/1996/93 and Add.1).

490. At the 32nd meeting, on 10 April 1996, statements were made by:

(a) Ms. Anne-Marie Lizin, Chairperson of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(b) Mr. Adama Dieng, independent expert on the situation of human rights in Haiti, in introduction of his report (E/CN.4/1996/94);

(c) Ms. Mónica Pinto, independent expert on the situation of human rights in Guatemala, in introduction of her report (E/CN.4/1996/15);

(d) Mr. Mohamed Charfi, independent expert on the situation of human rights in Somalia, in introduction of his report (E/CN.4/1996/14 and Add.1).

491. In the general debate on agenda item 17, statements 2/ were made by the following members of the Commission: Australia (36th), Chile (36th), Colombia (32nd), India (32nd), Italy (on behalf of the European Union) (36th), Japan (31st), Malaysia (31st).

492. The Commission heard statements by the observers for Malta (33rd) and Togo (40th). Statements were also made by the observers for the International Committee of the Red Cross (33rd) and the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) (36th).

493. The Commission also heard statements by the following non-governmental organizations: International Indian Treaty Council (41st), Latin American Federation of Associations of Relatives of Disappeared Detainees (36th), World Federation of Democratic Youth (36th), World Peace Council (41st).

494. At its 53rd meeting, on 19 April 1996, the Commission took up consideration of the draft resolutions submitted under agenda item 17.

Situation of human rights in Cambodia

495. The representative of Australia introduced draft resolution E/CN.4/1996/L.46, sponsored by Australia, Japan, Sweden and the United States of America. Austria, Belgium, Canada, El Salvador, France, Ireland, the Netherlands, New Zealand, Norway, Switzerland and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

496. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

497. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/54.

Advisory services and technical cooperation in the field of human rights

498. The representative of Germany introduced draft resolution E/CN.4/1996/L.67, sponsored by Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Colombia, Croatia, Denmark, El Salvador, Ethiopia, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Luxembourg, Madagascar, Norway, Peru, Poland, Portugal, the Republic of Korea, Sweden and Ukraine. Belarus, Benin, Brazil, the Czech Republic, the Dominican Republic, Greece, India, Japan, Latvia, Liechtenstein, the Netherlands, New Zealand, South Africa, Spain, Switzerland, Togo, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

499. The draft resolution was orally revised by the representative of Germany as follows:

(a) In operative paragraph 1, after "Governments", the remaining text, which read as follows:

> "inter alia, assistance in the form of expert advice, fellowships and scholarships, seminars and training courses at the regional and national levels and the drafting of basic legal texts in conformity with international conventions on human rights, with a view to enhancing equality, the rule of law and democracy;"

was replaced by a new text;

(b) In operative paragraph 2, after "for the effective management of the", the words "technical cooperation programme" were replaced by "programme of advisory services and technical cooperation";

(c) In operative paragraph 4, the words "including exchange of staff" were deleted;

(d) The latter part of operative paragraph 5, reading "country programmes and in order to prepare and execute jointly individual projects benefiting from the opportunities offered by resident representatives of the Programme", was replaced by a new text;

(e) In operative paragraph 11, after "High Commissioner for Human Rights", the words "/the Centre for Human Rights" were inserted.

500. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/55.

Strengthening the rule of law

501. The representative of Brazil introduced draft resolution E/CN.4/1996/L.68, sponsored by Argentina, Australia, Brazil, Bulgaria, Chile, Colombia, Germany, Guatemala, Israel, Italy, Peru, Portugal, the Russian Federation, South Africa, Uruguay and Venezuela. Benin, Canada, Greece, Honduras, India, Madagascar, Mali, Togo and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

502. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/56.

Assistance to Somalia in the field of human rights

503. The representative of Italy introduced draft resolution E/CN.4/1996/L.71, sponsored by Canada, Finland, Germany, Ireland, Italy, New Zealand, Poland, the Republic of Korea, Romania and Spain. Australia, Denmark, France, Japan and Sweden subsequently joined the sponsors.

504. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

505. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/57.

Situation of human rights in Haiti

506. The representative of Venezuela introduced draft resolution E/CN.4/1996/L.80, sponsored by Canada, Chile, Colombia, El Salvador, Haiti, Mexico and Venezuela. Australia, Brazil, Costa Rica, Denmark, Ecuador, France, Greece, Honduras, Hungary, Japan, Luxembourg, the Netherlands, Peru, Spain, the United States of America and Uruguay subsequently joined the sponsors.

507. The representative of Venezuela orally revised the draft resolution by inserting, in operative paragraph 9, after "to ensure", the words ", from within existing resources,".

508. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

509. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/58.

Assistance to Guatemala in the field of human rights

510. The representative of Mexico introduced draft resolution E/CN.4/1996/L.81, sponsored by Colombia, Denmark, Mexico, Nicaragua,

Norway, Peru, Spain, the United States of America and Venezuela. Ecuador, El Salvador, France, Germany, Greece and Uruguay subsequently joined the sponsors.

511. Statements were made by the representatives of Mexico and the Netherlands.

512. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

513. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/59.

Situation of human rights in Togo

514. At its 53rd meeting, on 19 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.54 and Corr.1.

515. At the 58th meeting, on 23 April 1996, the representative of Gabon introduced draft resolution E/CN.4/1996/L.54 and Corr.1, sponsored by Gabon (on behalf of the Group of African States). France, the Netherlands and Spain subsequently joined the sponsors.

516. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/67.

XVIII. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

517. The Commission considered agenda item 18 concurrently with items 11 and 16 (see chaps. XI and XVI) at its 18th to 22nd meetings, from 29 March to 2 April, and at its 51st meeting, on 19 April 1996. 1/

518. For the documents issued under agenda item 18, see annex IV to the present report.

519. At the 19th meeting, on 29 March 1996, the Special Rapporteur on the question of religious intolerance, Mr. Abdelfattah Amor, introduced his report (E/CN.4/1996/95 and Add.1 and 2). At the 22nd meeting, on 2 April 1996, the Special Rapporteur made his concluding remarks.

520. In the general debate on agenda item 18, statements 2/ were made by the following members of the Commission: Algeria (19th), China (18th, 19th), India (20th), Pakistan (21st), Republic of Korea (20th), Russian Federation (20th), Sri Lanka (20th), United States of America (20th).

521. The Commission heard statements by the observers for: Estonia (21st), Iran (Islamic Republic of) (21st), Ireland (21st), Latvia (21st), Morocco (21st), Sudan (19th), Viet Nam (21st). A statement was also made by the Observer for the Holy See (19th).

522. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (22nd), African Commission of Health and Human Rights Promoters (18th), Asian Buddhist Conference for Peace (18th), Commission of the Churches on International Affairs of the World Council of Churches (18th), Coordinating Board of Jewish Organizations (21st), International Association for Religious Freedom (18th), International Association of Democratic Lawyers (19th), International Association of Educators for World Peace (18th), International Association of Jewish Lawyers and Jurists (18th), International Falcon Movement (21st), International Indian Treaty Council (22nd), International Institute for Peace (19th), Liberation (19th), Muslim World League (22nd), Pax Christi International (19th), Society for Threatened Peoples (21st), Transnational Radical Party (21st), United Towns Agency for North-South Cooperation (18th), World Muslim Congress (22nd), World Peace Council (18th), World Union for Progressive Judaism (21st).

523. Statements in exercise of the right of reply or its equivalent were made by the representatives of China (19th) and Egypt (21st) and by the observers for Estonia (21st), the Democratic People's Republic of Korea (19th) and the Islamic Republic of Iran (21st).

524. At the 51st meeting, on 19 April 1996, the Observer for Ireland introduced draft resolution E/CN.4/1996/L.28/Rev.1, sponsored by Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Côte d'Ivoire, the Czech Republic, Denmark, El Salvador, Equatorial Guinea, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Luxembourg, Madagascar, Norway, Poland, Portugal, the Republic of Korea, South Africa, Spain, Sweden, Switzerland, Tunisia, Ukraine, the

United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. Argentina, Belarus, Cameroon, the Dominican Republic, Estonia, India, New Zealand, the Philippines, Romania, Senegal and the former Yugoslav Republic of Macedonia subsequently joined the sponsors.

525. The Observer for Ireland orally revised the draft resolution by substituting a new text for operative paragraph 8, which read as follows:

> "8. Calls upon States to ensure that their legislation, including legislation relating to religious minorities and to tolerance and non-discrimination, does not have the effect of fostering intolerance in society;".

526. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/23.

XIX. DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

527. The Commission considered agenda item 19 at its 57th meeting, on 22 April, and at its 60th meeting, on 23 April 1996. 1/

528. For the documents issued under agenda item 19, see annex IV to the present report.

529. At the 57th meeting, on 22 April 1996, the Chairman-Rapporteur, Mr. Jan Helgesen, introduced the report of the working group on the draft declaration its eleventh session (E/CN.4/1996/97).

530. In the general debate on agenda item 19, statements 2/ were made by the following members of the Commission: Australia (57th), Canada (57th), Chile (57th), Italy (on behalf of the European Union) (57th), Madagascar (57th), United States of America (57th).

531. The Commission heard statements by the observers for Norway (57th), Poland (57th), South Africa (57th).

532. The Commission also heard statements by the following non-governmental organizations: Amnesty International (on behalf of Baha'i International Community, International Commission of Jurists, International Federation of Human Rights, International Service for Human Rights) (57th) and the World Organization against Torture (57th).

533. At the 60th meeting, on 23 April 1996, the Observer for Norway introduced draft resolution E/CN.4/1996/L.88, sponsored by Andorra, Argentina, Australia, Belgium, Bulgaria, Canada, Finland, Hungary, Ireland, the Netherlands, Norway, Poland, Romania, Sweden and Tunisia. Austria, Chile, Denmark, Ecuador, El Salvador, France, Germany, Italy, Liechtenstein, Madagascar, Portugal, Senegal, Spain, Switzerland, the Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

534. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

535. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/81.

XX. RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

536. The Commission considered agenda item 20 at its 22nd meeting, on 2 April, at its 50th to 57th meetings, from 18 to 22 April, and at its 62nd meeting, on 24 April 1996. 1/

537. For the documents issued under agenda item 20, see annex IV to the present report.

538. At the 22nd meeting, on 2 April 1996, Mr. José Ayala Lasso, United Nations High Commissioner for Human Rights, made a statement. At the same meeting, Mr. Stephen Lewis, Deputy Executive Director of the United Nations Children's Fund, made a statement.

539. At the 39th meeting, on 15 April 1996, the expert appointed by the Secretary-General to study the impact of armed conflict on children, Ms. Graça Machel, the addressed the Commission.

540. At the 50th meeting, on 18 April 1996, the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos, introduced her report (E/CN.4/1996/100).

541. At the same meeting, the Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, Mr. Nils Eliasson, and the Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Mr. Jorge Ivàn Mora Godoy, introduced the reports of the working groups (E/CN.4/1996/102 and E/CN.4/1996/101, respectively).

542. In the general debate on agenda item 20, statements 2/ were made by the following members of the Commission: Australia (55th), Brazil (55th), Cameroon (55th), Chile (50th), China (50th), Cuba (54th), Egypt (55th), El Salvador (50th), Gabon (54th), India (55th), Italy (on behalf of the European Union, Norway, the Central and Eastern European countries associated with the Union and the associated countries of Cyprus and Malta) (50th), Madagascar (55th), Malaysia (50th), Nepal (54th), Pakistan (55th), Peru (55th), Philippines (50th), Russian Federation (55th).

543. The Commission heard statements by the observers for: Andorra (50th), Czech Republic (55th), Honduras (55th), Iraq (50th), Kenya (56th), Morocco (55th), Poland (55th), Romania (54th), Slovakia (56th), Sudan (54th), Switzerland (55th), Togo (50th), Uruguay (55th).

544. Statements were also made by the observers for the International Committee of the Red Cross (50th), the International Federation of Red Cross and Red Crescent Societies (54th) and the Office of the United Nations High Commissioner for Refugees (55th).

545. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (54th), Asian Women Human Rights Council (56th), Friends World Committee for Consultation (Quakers) (54th), Himalayan Research and Cultural Foundation (54th), International Educational Development, Inc. (54th), International Institute for Peace (56th), Pax Christi International (56th).

546. Statements in exercise of the right of reply were made by the representatives of China (57th) and the Philippines (57th).

(a) Status of the Convention on the Rights of the Child

547. In the general debate on agenda item 20 (a), statements 2/ were made by the following members of the Commission: Australia (55th), Brazil (55th), Cameroon (55th), Chile (50th), Cuba (54th), Egypt (55th), El Salvador (50th), Gabon (54th), India (55th), Italy (on behalf of the European Union) (50th), Madagascar (55th), Malaysia (50th), Nepal (54th), Pakistan (55th), Peru (55th), Philippines (50th), Russian Federation (55th).

548. The Commission heard statements by the observers for: Andorra (50th), Honduras (55th), Iraq (50th), Kenya (56th), Poland (55th), Sudan (54th), Togo (50th).

549. A statement was also made by the Observer for the United Nations Educational, Scientific and Cultural Organization (50th).

550. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (54th), Asian Women Human Rights Council (56th), Baha'i International Community (56th), Christian Democrat International (56th), Christian Solidarity International (56th), Commission for the Defense of Human Rights in Central America (54th), General Arab Women Federation (56th), Indian Council of Education (56th), International Association for the Defence of Religious Liberty (56th), International Confederation of Free Trade Unions (54th), International Federation of Human Rights (56th), International Federation of University Women (54th), International Institute for Peace (56th), International League for the Rights and Liberation of Peoples (54th), Transnational Radical Party (56th), World Federation of Methodist Women (54th), World Organization against Torture (56th), World Organization of Former Pupils of Catholic Education (54th).

(b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

551. In the general debate on agenda item 20 (b), statements 2/ were made by the following members of the Commission: Angola (50th), Australia (55th), Brazil (55th), China (50th), Cuba (54th), El Salvador (50th), India (55th), Italy (on behalf of the European Union) (50th), Philippines (50th), Venezuela (50th).

552. The Commission heard statements by the observers for: Andorra (50th), Czech Republic (55th), Kenya (56th), Morocco (55th), Sudan (54th), Uruguay (55th).

553. A statement was also made by the Observer for Switzerland (55th).

554. The Commission also heard statements by the following non-governmental organizations: Christian Solidarity International (56th), International Abolitionist Federation (54th), International Federation of University Women (54th), World Federation of Methodist Women (54th).

(c) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

555. In the general debate on agenda item 20 (c), statements 2/ were made by the following members of the Commission: Cuba (54th) and Gabon (54th).

556. The Commission heard statements by the observers for Romania (54th) and the Sudan (54th). A statement was also made by the Observer for the Joint United Nations Programme on HIV/AIDS (UNAIDS) (54th).

557. The Commission also heard statements by the following non-governmental organizations: International Abolitionist Federation (54th), International Institute for Non-Aligned Studies (56th), World Federation of Methodist Women (54th), World Peace Council (56th).

(d) Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication

558. In the general debate on agenda item 20 (d), statements 2/ were made by the following members of the Commission: Cuba (54th), Egypt (55th), India (55th), Kenya (56th), Nepal (54th).

559. The Commission heard statements by the observers for: Czech Republic (55th), Morocco (55th), Sudan (54th), Uruguay (55th).

560. The Commission also heard statements by the following non-governmental organizations: Asian Women Human Rights Council (56th), Friends World Committee for Consultation (Quakers) (54th), International Federation of University Women (54th), International League for the Rights and Liberation of Peoples (54th), World Organization of Former Pupils of Catholic Education (54th).

561. A statement was also made by the Observer for Switzerland (55th).

Rights of the child

562. At the 62nd meeting, on 24 April 1996, the representative of Italy (on behalf of the European Union) introduced draft resolution E/CN.4/1996/L.43/Rev.1, sponsored by Andorra, Austria, Belgium, Bulgaria, Chile, Colombia, Croatia, Cuba, the Czech Republic, Denmark, the Dominican Republic, Estonia, Ethiopia, Finland, France, Germany, Greece, Guinea, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Peru, Poland, Portugal, the Republic of Korea, Romania, San Marino, Slovakia, South Africa, Spain, Sweden, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia, Bangladesh, Belarus, Benin, Brazil, Canada, Côte d'Ivoire, Cyprus, El Salvador, Gabon, Israel, Madagascar, Malawi, Mexico, Nicaragua, Pakistan, the Philippines, the Russian Federation, Uganda, the United States of America, Uruguay and Venezuela subsequently joined the sponsors.

563. The representative of Italy orally revised the draft resolution by inserting, in operative paragraph 29, before "of the Special Rapporteur", the words ", within existing resources,".

564. Statements in connection with the draft resolution were made by the representatives of India and the Philippines.

565. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

566. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/85.

Draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

567. At the 62nd meeting, on 24 April 1996, the representative of Cuba withdrew draft resolution E/CN.4/1996/L.48, which read as follows:

> "Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication
>
> "The Commission on Human Rights,
>
> "Recalling its resolutions 1992/76 of 5 March 1992, 1993/82 of 10 March 1993, 1994/90 of 9 March 1994 and 1995/79 of 8 March 1995,
>
> Reaffirming the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, which required effective

measures against female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography, and other forms of sexual abuse,

"Recalling the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for its implementation, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, which established a solemn commitment to grant priority to the rights of the child and to his or her survival, protection and development, thus contributing to the welfare of every society,

"Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography,

"Recalling its resolution 1992/74 of 5 March 1992, in which it adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

"Deeply concerned at the situation of children subject to the yoke of sale and child prostitution, sexual abuses and other forms of exploitation,

"Dismayed by the persistence of the sale of children and related practices entailing disappearances, fraudulent adoptions, abandonment and abductions for commercial and illegal purposes,

"Noting with satisfaction the importance of the convening of the first World Congress against Commercial Sexual Exploitation of Children, to be held in Stockholm as part of a global effort to eradicate the phenomena of the sale of children, child pornography and child prostitution,

"Recognizing the existence of a market which encourages the increase of such criminal practices against children,

"Bearing in mind the various causes that influence the emergence and persistence of this special circumstance, including poverty, unemployment, hunger, natural disasters, intolerance, exploitation of child labour and armed conflicts, and their harmful effects on the rights of the child everywhere in the world,

"Having considered the report of the open-ended inter-sessional working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (E/CN.4/1996/101),

"Recognizing the need to adopt urgent measures for the prevention and eradication of practices related to the sale of children, child prostitution and child pornography, "Bearing in mind the formulation by the General Assembly, in its resolution 48/156 of 20 December 1993, of concrete suggestions concerning this problem,

"1. Expresses its deep concern at the alarming increase in violations of the rights of the child worldwide, in particular the growing number of incidents related to the sale of children, child prostitution and child pornography;

"2. Urges all Governments to seek solutions and to adopt administrative and legislative measures at the national and international levels to eradicate such aberrant practices;

"3. Recommends that all States adopt the necessary measures to eliminate the existing market, which encourages the increase of such criminal practices;

"4. Reaffirms the essential value of the Convention on the Rights of the Child and of its implementation system at the national and international levels as a means to prevent and combat the sale of children, child prostitution and child pornography, and the need to strengthen and ensure the effective implementation of the Convention;

"5. Recalls the essential importance of ensuring the effective implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography adopted by the Commission on Human Rights and, in this framework, recognizes the important role of the specialized agencies, non-governmental organizations and the community at large in ensuring more effective action in preventing these practices;

"6. Urges the working group to continue the elaboration, as a matter of priority, of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child;

"7. Requests the Secretary-General to transmit the report of the working group to Governments, intergovernmental organizations, the Special Rapporteur, the Committee on the Rights of the Child and non-governmental organizations, and to invite them to contribute to the elaboration of the draft optional protocol on the sale of children, child prostitution and child pornography by sending comments on the report, and to transmit these comments to Governments prior to the next session of the working group;

"8. Requests the working group to meet for a period of two weeks prior to the fifty-third session of the Commission;

"9. Decides to consider this question, as a matter of priority, at its fifty-third session under the sub-item entitled 'Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication';

"10. Recommends the following draft resolution to the Economic and Social Council for adoption:

'The Economic and Social Council,

'Recalling Commission on Human Rights resolution 1996/... of ... April 1996,

'1. Authorizes the working group of the Commission on Human Rights on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to meet for a period of two weeks prior to the fifty-third session of the Commission;

'2. Requests the Secretary-General to provide the working group with all the necessary assistance and facilities to enable it to meet and to fulfil its task.'"

XXI. FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

568. The Commission considered agenda item 21 at its 28th meeting, on 9 April, at its 56th and 57th meetings, on 22 April, at its 60th meeting, on 23 April, and at its 61st meeting, on 24 April 1996. 1/

569. For the documents issued under agenda item 21, see annex IV to the present report.

570. At the 28th meeting, on 9 April 1996, Mr. José Ayala Lasso, United Nations High Commissioner for Human Rights, introduced his report (E/CN.4/1996/103). The presentation of his report was followed by a question-and-answer session, during which questions were raised by the representatives of Canada and India.

571. In the general debate on agenda item 21, statements 2/ were made by the following members of the Commission: Australia (56th), Austria (56th), Brazil (56th), Chile (56th), China (56th), Malaysia (56th), Mexico (56th), Ukraine (56th), United States of America (56th).

572. Statements were also made by the observers for the Commission of the European Communities (56th) and the United Nations Educational, Scientific and Cultural Organization (56th).

573. Statements in exercise of the right of reply were made by the representatives of China (57th) and the Philippines (57th).

574. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (56th), Christian Solidarity International (57th), International Federation of Human Rights (56th), International Institute for Non-Aligned Studies (57th), Pax Christi International (on behalf of France-Libertés: Fondation Danielle Mitterrand, International Association against Torture, International Federation of Human Rights) (57th), Transnational Radical Party (57th).

Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

575. At its 60th meeting, on 23 April 1996, the representative of Austria introduced draft resolution E/CN.4/1996/L.97 and Corr.1, sponsored by Albania, Andorra, Argentina, Austria, Belarus, Brazil, Bulgaria, Costa Rica, Croatia, Cyprus, Denmark, El Salvador, Ethiopia, Germany, Guatemala, Honduras, Hungary, Israel, Liechtenstein, Luxembourg, Mauritania, the Republic of Korea, the former Yugoslav Republic of Macedonia and Uganda. Australia, Benin, Canada, Chile, Finland, France, Madagascar, New Zealand, Poland, Portugal, Spain, Sweden, Thailand, Tunisia, Uruguay and Venezuela subsequently joined the sponsors.

576. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/78.

Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action

577. At its 60th meeting, on 23 April 1996, the Commission decided to postpone consideration of draft resolution E/CN.4/1996/L.94.

578. At the 61st meeting, on 24 April 1996, the representative of Cuba introduced draft resolution E/CN.4/1996/L.94 and orally revised it as follows:

(a) The fourth preambular paragraph, which read as follows:

> "Recognizing the necessity for the continuing adaptation, strengthening, rationalization and streamlining of the United Nations human rights machinery in order to meet current and future needs in the promotion and protection of all human rights, and for improvement of the coordination, effectiveness and efficiency of the United Nations human rights organs, to be conducted in a transparent manner through consultations with Member States and competent intergovernmental bodies, within the framework of a balanced and sustainable development for all people,"

was replaced by a new text;

(b) In the eighth preambular paragraph, the words "Stressing the need for the examination of the structures" were replaced by "Recalling that, in the ongoing review of the structures";

(c) In the same paragraph, the words "it is necessary" were inserted before "to ensure";

(d) In the ninth preambular paragraph, the word "permanent" was replaced by "continuing";

(e) After the ninth preambular paragraph, a new preambular paragraph was inserted;

(f) In operative paragraph 4, the words "Again requests the Secretary-General to convene" were replaced by "Requests the Secretary-General to continue to convene".

579. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/83.

XXII. ELECTION OF MEMBERS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

580. The Commission considered agenda item 22 at its 55th meeting, on 22 April 1996. 1/

581. The Commission had before it a note by the Secretary-General containing nominations of candidates for election to membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and biographical data on the candidates (E/CN.4/1996/104 and Add.1 and 2).

582. In accordance with Economic and Social Council resolutions 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986 and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission, at its forty-fourth session (39th meeting, held on 29 February 1988), elected by secret ballot 26 members of the Sub-Commission from nominations of experts made by States Members of the United Nations, on the following basis: (a) seven members from African States; (b) five members from Asian States; (c) three members from Eastern European States; (d) five members from Latin American and Caribbean States; (e) six members from Western European and other States.

583. Pursuant to Economic and Social Council resolution 1986/35, members of the Sub-Commission are elected for a term of four years, and half of the membership and the corresponding alternates, if any, are elected every two years.

584. As the term of office of half of the membership of the Sub-Commission had expired, the Commission was called upon to hold a new election of Sub-Commission members and alternates on the following basis: four members from African States, two members from Asian States, two members from Eastern European States, two members from Latin American and Caribbean States, and three members from Western European and other States.

585. Four members of the Sub-Commission and their corresponding alternates from the Eastern European States and the Latin American and Caribbean States were elected without a vote for a period of four years:

Eastern European States

Mr. Ion Maxim Ms. Antoanella Iulia Matoc a/	Romania
Mr. Volodymyr G. Boutkevitch Mr. Oleg V. Shamshur a/	Ukraine

---

a/ Alternate.

Latin American and Caribbean States

Ms. Clemencia Forero Ucros Mr. Alberto Díaz Uribe a/	Colombia
Mr. Miguel Alfonso Martínez Ms. Marianela Ferriol Echevarría a/	Cuba

586. The Commission elected by secret ballot nine members of the Sub-Commission and their corresponding alternates, if any, for a period of four years. The following candidates were elected:

African States

Mr. Mustapha Mehedi	Algeria
Mr. Ahmed Khalifa Mr. Ahmed Khalil a/	Egypt
Mr. Fisseha Yimer	Ethiopia
Ms. Halima Embarek Warzazi	Morocco

Asian States

Mr. Ribot Hatano Mr. Yozo Yokota a/	Japan
Mr. Sang Yong Park Mr. Myung Chul Hahm a/	Republic of Korea

Western European and other States

Mr. Marc Bossuyt Mr. Guy Genot a/	Belgium
Mr. Asbjørn Eide Mr. Jan Helgesen a/	Norway
Mr. David Weissbrodt Ms. Gay J. McDougall a/	United States of America

XXIII. INDIGENOUS ISSUES

587. The Commission considered agenda item 23 at its 29th to 31st meetings, on 9 and 10 April, and at its 52nd meeting, on 19 April 1996. 1/

588. For the documents issued under agenda item 23, see annex IV to the present report.

589. At the 29th meeting, on 9 April 1996, the Chairperson-Rapporteur of the working group established in accordance with Commission on Human Rights resolution 1995/32 of 3 March 1995, Mr. José Urrutia, introduced the report of the working group (E/CN.4/1996/84).

590. In the general debate on agenda item 23, statements 2/ were made by the following members of the Commission: Australia (29th), Bangladesh (30th), Brazil (29th), Canada (29th), Chile (29th), Colombia (30th), Denmark (on behalf of the Nordic countries) (29th), Ecuador (29th), El Salvador (30th), Malaysia (29th), Mexico (30th), Nicaragua (30th), Peru (29th), the Russian Federation (30th).

591. The Commission heard statements by the observers for: Bolivia (30th), Costa Rica (30th), Cyprus (30th), New Zealand (30th). Statements were also made by the observers for Switzerland (30th) and the International Labour Organization (30th).

592. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (31st), Asian Buddhist Conference for Peace (30th), Commission of the Churches on International Affairs of the World Council of Churches (30th), Four Directions Council (30th), Indigenous World Association (30th), International Indian Treaty Council (31st), International League for the Rights and Liberation of Peoples (31st), International Organization of Indigenous Resource Development (31st), International Work Group for Indigenous Affairs (31st), Lutheran World Federation (31st), Saami Council (30th), Society for Threatened Peoples (31st), Third World Movement against the Exploitation of Women (31st), World Federation of Democratic Youth (31st).

593. Statements in exercise of the right of reply were made by the representatives of Bangladesh (33rd) and Brazil (33rd).

Draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214

594. At the 52nd meeting, on 19 April 1996, the representative of Australia introduced draft resolution E/CN.4/1996/L.55, sponsored by Australia, Bolivia, Brazil, Canada, Chile, Colombia, Cyprus, Denmark, Estonia, Finland, Greece, Honduras, Mexico, New Zealand, Nicaragua, Norway, Peru and the United States of America. Costa Rica, Ecuador, El Salvador, Sweden and Switzerland subsequently joined the sponsors.

595. A statement in connection with the draft resolution was made by the representative of Nicaragua.

596. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

597. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/38.

International Decade of the World's Indigenous People

598. At the 52nd meeting, on 19 April 1996, the representative of Australia introduced draft resolution E/CN.4/1996/L.56, sponsored by Australia, Bolivia, Brazil, Canada, Chile, Colombia, Cyprus, Denmark, Estonia, Finland, Greece, Honduras, Mexico, New Zealand, Nicaragua, Norway, Peru, the Philippines, Sweden and the United States of America. Costa Rica, Ecuador and El Salvador subsequently joined the sponsors.

599. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/39.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

600. At the 52nd meeting, on 19 April 1996, the representative of the Netherlands withdrew draft decision E/CN.4/1996/L.57, which read as follows:

> "Study on treaties, agreements and other constructive arrangements between States and indigenous populations
>
> "At its ... meeting, on ... April 1996, the Commission on Human Rights, taking note of decision 1995/118 of 24 August 1995, and recalling resolutions 1989/38 of 1 September 1989 and 1990/28 of 31 August 1990 and decisions 1991/111 of 29 August 1991, 1992/110 of 27 August 1992 and 1994/116 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided to request the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit a third and final report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group on Indigenous Populations and to the Sub-Commission at the earliest opportunity, but no later than at their fifteenth and forty-ninth sessions, respectively. The Commission also decided to request the Secretary-General to give the Special Rapporteur all the assistance necessary, within existing resources, to enable him to conclude his study."

601. At the same meeting, the Commission considered draft decision 10, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

602. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

603. A statement in explanation of vote before the vote was made by the representative of the United States of America.

604. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1996/109.

Report of the Working Group on Indigenous Populations

605. At the 52nd meeting, on 19 April 1996, the Observer for New Zealand introduced draft resolution E/CN.4/1996/L.66, sponsored by Australia, Brazil, Canada, Chile, Colombia, Denmark, Finland, Greece, Guatemala, Mexico, New Zealand, Nicaragua, Norway, Peru and Sweden. Costa Rica, Ecuador, Estonia, Honduras and the Russian Federation subsequently joined the sponsors.

606. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

607. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/40.

608. In view of the adoption of resolution 1996/40, the Commission took no action on draft decision 7, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

A permanent forum for indigenous people

609. At the 52nd meeting, on 19 April 1996, the representative of Denmark introduced draft resolution E/CN.4/1996/L.70/Rev.1, sponsored by Armenia, Australia, Belgium, Benin, Bolivia, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, El Salvador, Estonia, Finland, Greece, Guatemala, Honduras, Iceland, Mexico, Nepal, New Zealand, Nicaragua, Norway, Paraguay, Portugal, the Russian Federation and Sweden. Ecuador, Latvia and Peru subsequently joined the sponsors.

610. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

611. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/41.

612. In view of the adoption of resolution 1996/41, the Commission took no action on draft decision 8, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. B).

Protection of the heritage of indigenous people

613. At the 52nd meeting, on 19 April 1996, the Commission considered draft resolution II, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I, sect. A).

614. The representative of Brazil requested that, for technical reasons, the words "indigenous peoples" in the title of the draft resolution and in operative paragraph 5 of the draft resolution recommended therein be replaced by "indigenous people". Subsequently, the Commission decided to postpone consideration of draft resolution II until the matter was resolved.

615. At the 58th meeting, on 23 April 1996, the Commission resumed consideration of draft resolution II. The representative of Brazil orally amended the draft resolution by replacing the word "peoples", in the title of the draft resolution and in operative paragraph 5 of the draft resolution recommended therein, by "people".

616. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

617. The draft resolution, as orally amended, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1996/63.

XXIV. DRAFT PROVISIONAL AGENDA FOR THE FIFTY-THIRD SESSION OF THE COMMISSION

618. The Commission considered agenda item 24 at its 63rd meeting, on 26 April 1996. 1/

619. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary-General (E/CN.4/1996/L.1) containing a draft provisional agenda for the fifty-third session of the Commission and indicating the documents to be submitted under each agenda item and the legislative authority for their consideration.

620. The Commission took note of the draft provisional agenda for the fifty-third session of the Commission, which read as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

    Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission.

    Documentation:

    (a) Report of the Special Rapporteur on the situation of human rights in Burundi (Commission resolution 1996/1, paras. 26 and 27), to be considered under the appropriate agenda item;

    (b) Report of the United Nations High Commissioner for Human Rights on the setting up of a permanent office in Colombia (statement agreed on by consensus by the Commission, made by the Chairman on 23 April 1996);

    (c) Report of the Secretary-General on the situation of human rights in the Republic of Chechnya (statement agreed on by consensus by the Commission, made by the Chairman on 24 April 1996).

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

    Legislative authority: Commission resolutions 1996/2 and 1996/3.

    Documentation:

    (a) Report of the Special Rapporteur (resolution 1993/2 A, para. 4);

    (b) Reports of the Secretary-General (resolution 1996/2, para. 6; resolution 1996/3, para. 6);

(c) List of United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation (resolution 1996/3, para. 7).

5. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms.

Legislative authority: Commission resolutions 1996/9, 1996/10, 1996/11, 1996/12, 1996/13 and 1996/14 and decision 1996/103.

Documentation:

(a) Reports of the Secretary-General (resolution 1996/12, para. 13; resolution 1996/13, para. 1);

(b) Report of the Special Rapporteur on the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (resolution 1996/14, paras. 8-11);

(c) Report of the working group (decision 1996/103).

6. Questions of the realization of the right to development.

Legislative authority: Commission resolution 1996/15,

Documentation:

(a) Progress report of the intergovernmental working group of experts (para. 15 (b));

(b) Report of the Secretary-General (para. 18).

7. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Legislative authority: Commission resolutions 1995/5, 1996/5 and 1996/6.

Documentation:

(a) Report of the Secretary-General (resolution 1996/5, para. 3);

(b) Report of the Special Rapporteur on the use of mercenaries (resolution 1995/5, para. 4; decision 1996/113).

8. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(c) Question of enforced of involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Legislative authority: Commission resolutions 1996/28, 1996/29, 1996/30, 1996/32, 1996/33, 1996/34, 1996/35, 1996/37 and 1996/53.

Documentation

(a) Report of the Working Group on Arbitrary Detention (resolution 1996/28, para. 4);

(b) Report of the Secretary-General on the status of the Convention on the Safety of the United Nations and Associated Personnel, the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, and on the implementation of resolution 1996/29 (para. 9);

(c) Report of the Working Group on Enforced or Involuntary Disappearances (resolution 1996/30, para. 27);

(d) Report of the Secretary-General on the implementation of resolution 1996/32 on human rights in the administration of justice, in particular of children and juveniles in detention (para. 16);

(e) Report of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture (resolution 1996/33 A, para. 13);

(f) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (resolution 1996/33 A, para. 21);

(g) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 1996/33 A, para. 21);

(h) Report of the Special Rapporteur on the question of torture (resolution 1996/33 B, para. 12);

(i) Report of the Special Rapporteur on the independence of judges and lawyers (resolution 1996/34, para. 9);

(j) Report of the Secretary-General on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (resolution 1996/35, para. 6);

(k) Annual report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on human rights and states of emergency (resolution 1996/36);

(l) Report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 1996/37, paras. 2 and 6);

(m) Report of the Special Rapporteur on the right to freedom of opinion and expression (resolution 1996/53, para. 18).

9. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

(d) Human rights, mass exoduses and displaced persons.

Legislative authority: Commission resolutions 1995/46, 1995/49, 1996/42, 1996/43, 1996/44, 1996/46, 1996/47, 1996/48, 1996/49, 1996/50, 1996/51, 1996/52, 1996/64, 1996/65 and 1996/82.

Documentation:

(a) Report of the Secretary-General on the state of regional arrangements for the promotion and protection of human rights (resolution 1995/46, para. 11);

(b) Report of the Secretary-General on public information activities (resolution 1995/49, para. 14);

(c) Final report of the Secretary-General on the guidelines on promoting and protecting human rights in the context of HIV/AIDS (resolution 1996/43, para. 11);

(d) Report of the United Nations High Commissioner for Human Rights on the United Nations Decade for Human Rights Education (resolution 1996/44, para. 7);

(e) List by the Secretary-General of all persons currently constituting the thematic and country procedures, including their country of origin (resolution 1996/46, para. 20);

(f) Report of the Secretary-General on human rights and terrorism (resolution 1996/47, para. 8);

(g) Report of the Secretary-General on the question of integrating the human rights of women throughout the United Nations system (resolution 1996/48, para. 14);

(h) Report of the Special Rapporteur on violence against women (resolution 1994/45, para. 6);

(i) Report of the Secretary-General on national institutions for the promotion and protection of human rights (resolution 1996/50, para. 21);

(j) Updated report of the Secretary-General on human rights and mass exoduses (resolution 1996/51, para. 16);

(k) Report of the representative of the Secretary-General on internally displaced persons (resolution 1996/52, para. 9);

(l) Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (resolution 1996/64, para. 24);

(m) Report of the Secretary-General on the composition of the staff of the Centre for Human Rights (resolution 1996/65, para. 5).

10. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990.

Legislative authority: Commission resolutions 1996/66, 1996/68, 1996/69, 1996/70, 1996/71, 1996/72, 1996/73, 1996/74, 1996/75, 1996/76, 1996/77, 1996/79, 1996/80 and 1996/84.

Documentation:

(a) Report of the Special Rapporteur on the situation of human rights in Equatorial Guinea (resolution 1996/66, para. 18);

(b) Report of the Secretary-General on the situation of human rights in southern Lebanon and West Bekaa (resolution 1996/68, para. 6 (b));

(c) Report of the Special Rapporteur on the situation of human rights in Cuba (resolution 1996/69, para. 12);

(d) Report of the Secretary-General on reprisals against those cooperating with representatives of United Nations human rights bodies (resolution 1996/70, para. 6);

(e) Report of the expert member of the Working Group on Enforced or Involuntary Disappearances responsible for the special process on missing persons in the territory of the former Yugoslavia (resolution 1996/71, para. 38);

(f) Reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (resolution 1996/71, para. 45 (c));

(g) Report of the Special Rapporteur on the situation human rights in Iraq (resolution 1996/72, para. 11);

(h) Report of the Special Rapporteur on the situation of human rights in the Sudan (resolution 1996/73, paras. 24-25);

(i) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (resolution 1996/74, para. 7 (a));

(j) Report of the Secretary-General on the implementation of Economic and Social Council decision 1995/284 (resolution 1996/74, para. 16);

(k) Report of the Special Rapporteur on the situation of human rights in Afghanistan (resolution 1996/75, para. 17);

(l) Report of the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda (resolution 1996/76, para. 19);

(m) Report of the Special Rapporteur on the situation of human rights in Rwanda (resolution 1996/76, para. 23);

(n) Report of the Special Rapporteur on the situation of human rights in Zaire (resolution 1996/77, para. 16);

(o) Joint report of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers on the situation of human rights in Nigeria (resolution 1996/79, para. 7);

(p) Report of the Special Rapporteur on the situation of human rights in Myanmar (resolution 1996/80, para. 21);

(q) Report of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (resolution 1996/84, para. 13);

(r) Report of the Secretary-General on the question of human rights in Cyprus (decision 1996/112);

(s) Report of the Secretary-General on the situation of human rights in East Timor (statement agreed on by consensus by the Commission, made by the Chairman on 23 April 1996).

11. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

Legislative authority: Commission resolutions 1996/17 and 1996/18.

Documentation:

Report of the Secretary-General (resolution 1996/18, para. 6).

12. Human rights and scientific and technological developments.

Legislative authority: Commission resolution 1995/82 and decision 1995/114.

Documentation:

(a) Report of the Secretary-General on human rights and bioethics (resolution 1995/82, para. 5);

(b) Report of the Secretary-General on the follow-up to the guidelines for the regulation of computerized personal data files (decision 1995/114).

13. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

Legislative authority: Commission resolutions 1995/11, 1996/8 and 1996/21.

Documentation:

(a) Annual report of the Secretary-General (resolution 1995/11, para. 22);

(b) Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (resolution 1996/21, paras. 9 and 18).

14. Status of the International Covenants on Human Rights.

Legislative authority: Commission resolution 1996/16.

Documentation:

Report of the Secretary-General (para. 17).

15. Effective functioning of bodies established pursuant to United Nations human rights instruments.

Legislative authority: Commission resolution 1996/22.

Documentation:

Report of the Secretary-General (paras. 2 (c) and 22).

16. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-eighth session.

Legislative authority: Commission resolutions 1996/24, 1996/25, 1996/26, 1996/27 and 1996/61.

Documentation:

(a) Report of the Secretary-General on traffic in women and girls (resolution 1996/24, para. 8);

(b) Report of the Chairman of the Sub-Commission (resolution 1996/25, para. 14);

(c) Report of the Secretary-General on the question of minimum humanitarian standards (resolution 1996/26, para. 5);

(d) Report of the Special Rapporteur of the Commission for Social Development on Disability (resolution 1996/27, para. 13);

(e) Reports of the Secretary-General (resolution 1996/61, paras. 13 and 17).

17. Rights of persons belonging to national or ethnic, religious and linguistic minorities.

Legislative authority: Commission resolutions 1996/19 and 1996/20.

Documentation:

(a) Report of the Secretary-General (resolution 1996/20, para. 16);

(b) Annual report of the Working Group on Minorities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (resolution 1996/20, para. 13).

18. Advisory services in the field of human rights

Legislative authority: Commission resolutions 1996/54, 1996/55, 1996/57, 1996/58 and 1996/59.

Documentation:

(a) Report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (resolution 1996/54 and decision 1996/113);

(b) Report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (resolution 1996/54, para. 23);

(c) Report of the Secretary-General containing an inventory and an analysis of the availability of technical cooperation in the field of human rights from all sources (resolution 1996/55, para. 13);

(d) Report of the Secretary-General on progress in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights (resolution 1996/55, para. 14);

(e) Report of the independent expert on the situation of human rights in Somalia (resolution 1996/57, para. 4);

(f) Report of the independent expert on the situation of human rights in Haiti (resolution 1996/58, para. 10);

(g) Report of the Secretary-General on assistance to Guatemala in the field of human rights (resolution 1996/59, para. 25);

(h) Report of the independent expert on the situation of human rights in Guatemala (resolution 1996/59, para. 26).

19. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Legislative authority: Commission resolution 1996/23.

Documentation:

Report of the Special Rapporteur (para. 21).

20. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

Legislative authority: Commission resolution 1996/81.

Documentation:

Report of the working group (resolution 1996/81).

21. Rights of the child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography;

(c) Programme of Action for the Elimination of the Exploitation of Child Labour;

(d) Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication.

Legislative authority: Commission resolutions 1992/74, 1993/79 and 1996/85.

Documentation:

(a) Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the state of implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour (resolution 1993/79, para. 8);

(b) Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts (resolution 1996/85, para. 15);

(c) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (resolution 1996/85, para. 21);

(d) Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (resolution 1996/85, para. 15);

(e) Report of the Secretary-General on the status of the Convention on the Rights of the Child (resolution 1996/85, para. 49).

22. Follow-up to the World Conference on Human Rights.

Legislative authority: Commission resolutions 1996/78 and 1996/83.

Documentation:

Report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of the Vienna Declaration and Programme of Action (resolution 1996/78, para. 15).

23. The question of conscientious objection to military service.

Legislative authority: Commission resolution 1995/83.

Documentation:

Report of the Secretary-General (para. 10).

24. Indigenous issues.

Legislative authority: Commission resolutions 1996/38, 1996/39 and 1996/41 and decision 1996/102.

Documentation:

(a) Progress report of the working group on a draft declaration (resolution 1996/38, para. 6);

(b) Report of the United Nations High Commissioner for Human Rights and the Coordinator of the International Decade of the World's Indigenous People (resolution 1996/39, para.8);

(c) Report of the Working Group on Indigenous Populations on the possible establishment of a permanent forum for indigenous people (resolution 1996/41, para. 6);

(d) Report of the Secretary-General on the activities undertaken and information received in pursuance of Commission resolution 1996/41 (para. 11).

25. Draft provisional agenda for the fifty-fourth session of the Commission.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-fourth session of the Commission, together with information concerning documentation relating thereto.

26. Report to the Economic and Social Council on the fifty-third session of the Commission.

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

XXV. REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-SECOND SESSION OF THE COMMISSION

621. At its 63rd meeting, on 26 April 1996, the Commission considered the draft report on the work of its fifty-second session. The draft report, as contained in documents E/CN.4/1996/L.10 and Add. 1-20 and E/CN.4/1996/L.11 and Add. 1-4, and as amended in the course of the discussion, was adopted *ad referendum* and the Commission decided to entrust the Rapporteur with its finalization.

Notes

1/ Summary records of each of the meetings are subject to correction. They are considered final with the issuance of a consolidated corrigendum (E/CN.4/1996/SR.1-64/Corrigendum).

2/ The number in parentheses following the name of a State or organization indicates the meeting at which the statement was made.

3/ An estimate of the administrative and programme budget implications of Commission resolutions and decisions appears in annex III.

ANNEXES

Annex I

ATTENDANCE

Members

Algeria

Mr. Hocine Meghlaoui, Mr. Abdellah Laouari**, Mr. Mohamed Hassaine**, Mr. Abdelhamid Bendaoud**, Mr. Lazhar Soualem**, Ms. Anissa Bouabdallah**, Mr. Menad Habak**, Mr. Said Khelifi**, Mr. Hamed-Abdelouahab Ahmed**

Angola

Mr. Adriano Teixeira Parreira, Mr. Mário de Azevedo Constantino**, Mr. João da Cunha Caetano**, Mr. Henrique dos Santos**, Ms. Ana Maria Azevedo Chaves**, Mr. Aniceto da Costa Aragão**, Ms. Filoena João**

Australia

Mr. Howard Bamsey, Mr. Bill Barker*, Mr. Colin Willis**, Mr. Angus Macdonald**, Mr. Chris Sidoti**, Ms. Genevieve Hamilton**, Mr. Crispin Conroy**, Mr. Damir Ivkovic**, Mr. Mac Darrow**, Ms. Anna Peios**, Ms. Jennifer Coulton**, Ms. Jeanette Grayston**

Austria

Mr. Harald Kreid, Mr. Christian Strohal, Mr. Engelbert Theuermann*, Ms. Elisabeth Schiefermair*, Mr. Franz-Josef Homann-Herimberg**, Mr. Helmut Boeck**, Mr. Andreas Rendl**, Ms. Gabriela Kuehtreiber**, Mr. Thomas Loidl**, Ms. Regina Figl**

Bangladesh

Mr. Farooq Sobhan, Mr. Anwar Hashim*, Mr. Muhammad Zamir**, Mr. Jamil Majid**, Mr. Mijarul Quayes**, Mr. Shameem Ahsan**, Mr. Md. Shahidul Islam**, Mr. Justice Maksum-Ul-Hakim**

Belarus

Mr. Stanislau Agurtsou, Ms. Alena Kuchyna*, Mr. Uladzimir Vinagradau**, Mr. Valery Zhdanovich**, Mr. Uladzimir Shcherbau**

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* Alternate
** Adviser

Benin

Mr. Zacharie Richard Akplogan, Mr. Arsène Capo-Chichi**, Mr. Eloi Laourou**

Bhutan

Mr. Jigmi Y. Thinley, Mr. Yeshey Dorji*, Mr. Karma T. Rinchhen*, Mr. Phuntsho Wangdi**

Brazil

Mr. Gilberto Vergne Saboia, Mr. José Augusto Lindgren Alves**, Mr. Georges Lamazière**, Mr. Marcos Vinicius Pinta Gama**, Mr. Antonio Luis Espinola Salgado**, Ms. Maria Helena Pinheiro Penna de Mello Barreto**, Mr. Fernando Apparicio da Silva**, Mr. Antonio Otávio Sá Ricarte**, Mr. Benoni Belli**, Ms. Sibeli Maria Rebelo**

Bulgaria

Mr. Vladimir Sotirov, Ms. Liudmila Bojkova*, Mr. Peter Kolarov**, Mr. Vladlen Stefanov**

Cameroon

Mr. François-Xavier Ngoubeyou, Mr. Charles Tantoh Chebo*

Canada

Mr. Léonard Legault, Mr. Andrew McAlister*, Mr. Ross Hynes*, Ms. Adele Dion**, Mr. Wayne Lord**, Mr. Peter Splinter**, Ms. Kerry Buck**, Mr. Jean Touchette**, Ms. Karine Asselin**, Ms. Jane Arbour**, Ms. Kirsten Mlacak**, Ms. Jean Augustine, Mr. Andrew Scott, Mr. Réal Ménard, Mr. Sanjeev Chowdhury, Mr. William Schabas

Chile

Mr. Jorge Berguño Barnes, Ms. Carmen Hertz Cádiz*, Mr. Luis Lillo Benavides**, Mr. Carlos Parker Almonacid**, Mr. Jaime Erpel**

China

Mr. Jianmin Wu, Mr. Yishan Zhang, Mr. Sen Pang, Ms. Fengkun Zhang, Mr. Xinsheng Liu, Mr. Yongxiang Shen, Mr. Jun Zhang, Mr. Houdi Yang**, Mr. Tsering Gunehok**, Mr. Chogyal**, Mr. Weidian Chen**, Mr. Mingshan Sun**, Ms. Zhuqian Wang**, Mr. Qiming Duan**, Mr. Zhongxing Du**, Ms. Wenhong Shao**, Mr. Guohou Yuan**, Ms. Jinfeng Liu**, Ms. Yuehua Wang**, Mr. Lin Bai**, Ms. Peijie Chen**, Mr. Weimin Chang**, Ms. Zhihua Dong**, Mr. Jingge Xia**, Ms. Nan Li**

Colombia

Mr. Rodrigo Pardo Gracia Peña, Ms. María Carrizosa de López**,
Ms. Pilar Gaitán de Pombo**, Mr. Carlos Vicente de Roux**,
Mr. Juan Carlos Espinosa Escallón**, Mr. Juan Carlos La Rotta Córdoba**,
Mr. Carlos Roberto Sáenz Vargas**, Mr. Armando Sarmiento Mantilla**

Côte d'Ivoire

Mr. Koffi Kouame, Mr. Ekra Kouassi Florent**, Mr. Sia Bi Sei**,
Mr. Sery Marc Georges**, Mr. Noel Yao**

Cuba

Mr. Eumelio Caballero Rodríguez, Mr. Abelardo Moreno**,
Mr. Miguel Alfonso Martínez**, Mr. Juan Antonio Fernández Palacio**,
Mr. Adrián Delgado González**, Ms. Gloria de Dios Limonta**,
Ms. Aymée Hernández Quesada**, Mr. Julio César González Marchante**,
Mr. Ernesto Marziota Delgado**, Ms. Ileana Calderín**,
Mr. Pedro Regalado**, Ms. María Esther Fiffe**, Mr. Roberto
Robaina González**, Ms. Marianela Ferriol Echevarría**,
Mr. Carlos Amores**, Mr. César Gómez**, Mr. Reynaldo García**,
Mr. Julio Tain**

Denmark

Mr. Tyge Lehmann, Mr. Ole Egberg Mikkelsen*, Mr. Peder Ventegodt*,
Mr. Uffe Wolffhechel*, Mr. Dan E. Frederiksen*, Ms. Caroline Rubow**,
Ms. Christina Djurhuus**, Ms. Maja Sverdrup-Lade**,
Ms. Anne Birgitte Hansen**, Ms. Tine Lyngholm Pedersen**,
Mr. Finn Lynge**, Ms. Inge Sogaard**, Ms. Marianne Lykke Thomsen**,
Mr. Morten Kjaerum**, Mr. Claus Haagen Jensen**,
Mr. Jens Vedsted-Hansen**, Mr. Erik Holst**, Mr. Kjeld Akjaer**,
Mr. Erik Arnsted**

Dominican Republic

Ms. Rhadys Abreu de Polanco, Ms. Angelina Bonetti Herrera*,
Ms. Claudia Hernández Bona**

Ecuador

Mr. Fernando Prócel Gallegos, Mr. Francisco Riofrío Maldonado*,
Mr. Federico Meneses Espinoza**, Mr. Gustavo Anda Sevilla**

Egypt

Mr. Mounir Zahran, Ms. Naéla Gabr**, Ms. Magda Shahin**,
Mr. Reda Bebars**, Ms. Islah Amin**, Mr. Ashraf Elmoafi**,
Mr. Hassan Mostafa**, Mr. Alaa Khairat**, Ms. Amani El Etr**,
Mr. Alaa Youssef**, Mr. Khaled Heshmat**

El Salvador

Mr. Víctor Manuel Lagos Pizzati, Mr. Carlos Ernesto Mendoza Carrillo**, Ms. Margarita Escobar López**, Ms. Ana Ligia Escobar Pinel**, Ms. Carmen Elena Castillo Escobar**, Ms. Lilian Alvarado-Overdiek**, Ms. Carmen Aída Chávez Palacios**, Ms. Sonia Raquel Gallardo**

Ethiopia

Mr. Fisseha Yimer, Ms. Almaz Amaha Tesfaye*, Mr. Minelik Alemu Getahun*, Mr. Teferi Melesse Desta*

France

Mr. Xavier Emmanuelli, Mr. Daniel Bernard, Mr. Jean de Gliniasty**, Mr. Alain Sortais**, Mr. Jean-François Dobelle**, Mr. Jacques Lapouge**, Ms. Florence Cheneaux-de Leyritz**, Mr. Charley Causeret**, Mr. Yves Charpentier**, Mr. Laurent Contini**, Mr. Hervé Besancenot**, Mr. Frédéric Desagneaux**, Ms. Sophie Laszlo**, Ms. Marion Paradas-Bouveau**, Ms. Sylvie Crouzier**, Mr. Gérard Fellous**, Ms. Joëlle Roge**, Mr. Camille Grousselas**, Ms. Ingrid Defever**, Ms. Estella Bordier**, Ms. Sandrine Dodard**, Mr. Eric Gavaret**

Gabon

Mr. Emmanuel Mba Allo, Mr. Corentin Hervo-Akendengue*, Mr. Nkele Manva*, Ms. Antoinette Kounda Kiki**, Mr. Loïc Pyssame**

Germany

Mr. Gerhart Baum, Mr. Ulrich Rosengarten*, Mr. Henning Graf von Bassewitz*, Mr. Wolfgang Gerz*, Mr. Michael Schaefer**, Mr. Dirk Baumgartner**, Mr. Peter Schoof**, Mr. Michael Feiner**, Mr. Christian Hellbach**, Mr. Michael Reuss**, Mr. Peter Buschmann**, Mr. Michael Hasper**, Ms. Martina John**, Ms. Heike Jirari**, Ms. Bettina Giesecke**, Mr. Steffen Krauss**, Mr. Mortimer von Plettenberg**

Guinea

Mr. Dembo Sylla, Mr. Sékou Camara*

Hungary

Mr. Gyula Szelei K., Mr. Péter Náray*, Mr. András Dékány*, Mr. Sándor Szapora**, Ms. Agnes Hevesi**, Mr. Istvan Lakatos**, Ms. Anikó Tóth**

India

Mr. Salman Khurshid, Mr. Bhuvnesh Chaturvedi, Ms. Arundhati Ghose*, Ms. Savitri Kunadi**, Mr. H. K. Singh**, Mr. C. Phunsog**, India (continued)

Mr. R. P. Singh**, Mr. Gautam Mukhopadhaya**, Ms. Sujata Mehta**, Ms. Nandhini Iyer Krishna**, Mr. R. Venu**, Mr. A. S. Gill**

Indonesia

Mr. Izhar Ibrahim, Mr. Agus Tarmidzi*, Ms. Saodab B. A. Syahruddin**, Mr. Hassan Wirajuda**, Mr. Makmur Widodo**, Mr. Eddy Pratomo**, Ms. Dienne H. Moehario**, Mr. Arif Havas Oegroseno**, Mr. Leonardo Dos Reis**, Ms. Aisyah Aminy**, Mr. Zacky Anwar**, Mr. Charles Himawan**, Mr. H. Muladi**, Mr. Djauhari Nataatmadja**, Mr. Islamet Poernomo**, Mr. Lopes da Cruz**, Ms. Perwitorini Wijono**, Mr. Awang Bahrin**, Mr. Samodora Sriwidjaja**, Mr. Soetjipto Donokusumo**

Italy

Mr. Paolo Torella di Romagnano, Mr. Giuseppe Baldocci*, Mr. Roberto Toscano**, Mr. Daniele Verga**, Mr. Gerolamo Schiavoni**, Mr. Gianluigi Mascia**, Ms. Carla Zuppetti Marini**, Mr. Massimo Rustico**, Mr. Leonardo Bencini**, Mr. Filippo Menzinger**, Mr. Luigi Citarella**, Ms. Paola Viero**, Ms. Paola Vigo**, Mr. Pietro Prosperi**, Ms. Silvia Vincenti**, Ms. Maria Cristina Franchetti**, Ms. Patrizia Giordani**

Japan

Mr. Minoru Endo, Mr. Masaki Konishi*, Mr. Yoshiki Mine*, Mr. Takashi Koezuka*, Mr. Tsukasa Kawada**, Mr. Hajime Hayashi**, Mr. Junzo Fujita**, Mr. Masaki Wada**, Ms. Mayuko Katsumoto**, Mr. Jiro Usui**, Mr. Toru Matsumura**, Mr. Akira Ando**, Mr. Katsutoshi Miyakawa**, Mr. Kazuhiko Nakamura**, Ms. Michiko Sudo**, Ms. Masako Kinoshita**, Ms. Mitsuko Ito**

Madagascar

Mr. Jaona Ravaloson, Ms. Faralalao Rakotoniaina**, Mr. Phabien Edafe**, Mr. Roger Rakotondrazaka**, Mr. Nadimalala Rabetsimialona**, Mr. Daniel Rasolo**, Mr. Koraiche Allaouidine**

Malawi

Ms. S. Maluwa, Mr. E. M. Singini*, Mr. S. N. Chisanu*, Mr. Maweya V. L. Phiri**

Malaysia

Mr. Tan Sri Dato' Musa Hitam, Mr. Haron Siraj*, Mr. Tan Seng Sung*, Mr. Hamzah bin Mohd Rus**, Mr. Ghazi Ahmad bin Maulana Abdullah Noh**, Mr. Kamaruddi Mohamed Baria**, Ms. Nafisah Mohamad**, Mr. Mohd Azlan Mohd Yusof**, Ms. Rohana Ramli**, Mr. Ahmad Jazri Mohd Johar**, Mr. Yean Yoke Heng**, Mr. Rostam A. Salleh**, Mr. Mohd Sallehhuddin Hassan**, Ms. Norhayati Ahmad**, Mr. Mohd Kamil Ab. Ghani**

Mali

Mr. Moctar Ouane

Mauritania

Mr. Mohamed Saleck Ould Mohamed Lemine, Mr. Sidney Sokhona**,
Mr. Mohamed Lemine Ould Dahi**, Mr. Abderrahmane Ould Hamza**,
Mr. Mohamed Ould Abeidna**, Mr. Abdelah Ould Bah Nagi**

Mexico

Mr. Antonio de Icaza, Mr. Oscar González Yañez,
Ms. Alicia González Cerecedo, Mr. Luciano Joublanc**,
Ms. Eréndira Paz Campos**, Ms. Dolores Jiménez Hernández**,
Mr. Juan Manuel Gómez Robledo**, Mr. Porfirio Thierry Muñoz Ledo**,
Mr. Eusebio Romero Esquivel**, Mr. Augustín Martínez Maldonado**,
Mr. Antonio Tallabs Ortega**, Mr. Tarcisio Navarrete Montes de Oca**,
Mr. José Luis Torres Ortega**, Mr. Edgard Sánchez Ramtrez**,
Mr. Martín Longoria**, Mr. Alfonso Primitivo Ríos Vázquez**,
Mr. José A. de León Azúa**, Ms. Claudia Del Carmen Arroyo Morales**

Nepal

Mr. Banmali Prasad Lacoul, Mr. Bala Ram K. C., Mr. Shanker Prasad Kattel*

Netherlands

Mr. Peter P. van Wulfften Palthe, Mr. Barend C. A. F. van der Heijden*,
Mr. Richard van Rijssen*, Mr. René Christopher Aquarone*,
Mr. Tiddo P. Hofstee**, Mr. Willem van Reenen**,
Ms. Marion Pennink-Tijsseling**, Mr. Arnout P. Wegerif**,
Mr. Henk Cor van der Kwast**, Mr. Tiemo D. J. Oostenbrink**,
Ms. Ellen H. A. van Eijk-Koevoets**, Ms. Kanta S. Adhin**,
Ms. Hedda Samson**, Ms. Paula H. Sastrowijoto**, Mr. Martijn R. Bollen**

Nicaragua

Mr. Alvaro Sevilla Siero, Mr. Lester Mejía Solís*,
Mr. Alvaro Porta Balladares**, Mr. Danilo Rosales Díaz**,
Ms. Victoria Lara de Sevilla**, Ms. Maritza Fonseca Sevilla**,
Mr. Fernando Ruiz**, Ms. Grethel Vargas**

Pakistan

Mr. Sardar Aseff Ahmad Ali, Mr. Syed Iqbal Haider*, Mr. Munir Akram*,
Mr. George Clement**, Mr. Taj Haider**, Mr. Ashiq Siddiqui**,
Mr. Khalid N. D. Khan**, Ms. Amna Piracha**, Mr. Muhammad Yousuf**,
Mr. Masood Khan**, Ms. Kehkeshan Azhar**, Mr. Malik Azhar Ellahi**,
Mr. A. S. Babar Hashmi**, Mr. M. Syrus Qazi**, Mr. Murad Ashraf Janjua**,
Mr. M. Azam Alvi**, Mr. Shamim Raza**, Mr. Shahid Rafi**

Peru

Mr. Carlos Eduardo Hermoza-Moya, Mr. Hernán Nopo-Odar**,
Ms. Luzmila Zanabria**, Mr. José Urrutia**, Mr. Javier Paulinich**,
Mr. Patricio Rubio**, Mr. Antonio García**, Mr. Luis Chávez**,
Ms. Romy Tincopa**, Mr. Eduardo Pérez del Solar**

Philippines

Ms. Lilia R. Bautista, Mr. Jaime S. Bautista*, Ms. Olivia V. Palala**,
Ms. Bernarditas de Castro-Muller**, Ms. Monina Estrella Callangan**,
Ms. Aurora Navarrete-Reciña**, Mr. Vicente P. Sibulo**

Republic of Korea

Mr. Joun Yung Sun, Mr. Chang-Il Park*, Mr. Joon Hee Lee**,
Mr. Young Suk Kwon**, Mr. Young Han Bae**, Mr. Joo Hyeon Paik**,
Mr. Hyun Dong Cho**, Mr. Kang Hyeon Yun**, Mr. Dong Hyun Shin**,
Ms. Seong Mee Yoon**

Russian Federation

Mr. Boris S. Krylov, Mr. Andrei Kolossovsky*, Mr. Igor Chtcherbak*,
Mr. Teimouraz Ramishvili*, Mr. Vladimir Parshikov*, Mr. Oleg Malguinov**,
Mr. Boris Khabirov**, Mr. Andrei Kovalev**, Mr. Valeri Verdiev**,
Mr. Youri Boitchenko**, Mr. Nikolai Okinine**,
Mr. Vladimir Dolgoborodov**, Mr. Serguei Tchumarev**, Mr. Alexei Rogov**,
Mr. Evgueni Shoultsev**, Mr. Grigory Loukiantsev**,
Mr. Alexander Nevskiy**, Ms. Elena Makeeva**, Ms. Tatiana Skatchko**,
Ms. Elena Khmeleva**, Mr. Oleg Sepelev**, Mr. Serguei Berezny**

Sri Lanka

Mr. Bernard A. B. Goonetilleke, Ms. Lalani Perera*,
Mr. W. P. R. B. Wickremasinghe*, Ms. Aruni Wijewardene**,
Mr. A. L. Abdul Azeez**

Uganda

Mr. Joseph A. A. Etima, Mr. Kakima Ntambi, Mr. Lucian Tibaruha,
Mr. Nathan Irumba, Mr. Kurt Neudek**

Ukraine

Mr. Volodymyr Vassylenko, Mr. Oleg Shamshur*, Mr. Victor Mykhailovsky**,
Mr. Yevhen Semashko**, Mr. Vladyslav Zozulia**

United Kingdom of Great Britain and Northern Ireland

Mr. Henry Steel, Mr. Nigel Williams*, Ms. Sarah Foulds*,
Mr. David Campbell*, Mr. Edward Chaplin**, Mr. Huw Llewellyn**,
Mr. Rob Vaughn-Fenn**, Mr. Ian Barnard**, Mr. Paul Bentall**,

United Kingdom of Great Britain and Northern Ireland (continued)

Mr. Philip Astley**, Mr. Anthony Terry**, Mr. Geoffrey Perry**, Ms. Emer Doherty**, Mr. Colin Wells**, Ms. Charlotte Harford**, Mr. Mark Booth**

United States of America

Ms. Geraldine A. Ferraro, Mr. Daniel L. Spiegel*, Mr. Peter Eicher*, Mr. Robert Menendez**, Ms. Leslie Ann Gerson**, Mr. John Shattuck**, Mr. Eric P. Schwartz**, Ms. Felice D. Gaer**, Mr. Vivien L. Derryck**, Mr. Joe W. Pitts, III**, Mr. John Arbogast**, Mr. Kenneth Bernard**, Mr. William Brownfield**, Mr. Edward Cummings**, Mr. Michael Dennis**, Mr. Guillaume Hensel**, Mr. Craig Kuehl**, Mr. Robert Loftis**, Mr. Kevin Long**, Mr. Richard Marshall**, Mr. William Murphey**, Mr. Robert Richards**, Ms. Dorothy C. Shea**, Ms. Cheryl Sim**, Mr. Gare Smith**, Ms. Lucy Tamlyn**, Mr. Leon Weintraub**, Mr. W. Robertson Milbourne**

Venezuela

Mr. Alfredo Tarre Murzi, Mr. Naudy Suárez Figueroa**, Ms. Violeta Fonseca de Sanabria**, Ms. Lesbia Yaneth Arocha**, Ms. Iole Touron-Lugo**

Zimbabwe

Mr. T. T. Chifamba, Mr. B. S. Maunganidze**, Ms. Judy N. Ndaona**, Mr. M. Chikorowonda**, Mr. Nesbert Kanyowa**

States Members of the United Nations represented by observers

Afghanistan, Albania, Andorra, Argentina, Armenia, Azerbaijan, Bahrain, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burundi, Cambodia, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Dominica, Equatorial Guinea, Eritrea, Estonia, Finland, Georgia, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, Iran (Islamic Republic of), Iraq, Ireland, Israel, Jordan, Kenya, Kuwait, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mongolia, Morocco, Myanmar, New Zealand, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Poland, Portugal, Qatar, Romania, Rwanda, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sudan, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Zaire, Zambia

Non-member States represented by observers

Holy See, Switzerland

United Nations Secretariat

Department of Humanitarian Affairs, Department of Public Information, Joint Inspection Unit, United Nations Compensation Commission, United Nations Office at Vienna

United Nations bodies

International Decade for Natural Disaster Reduction, Joint United Nations Programme on HIV/AIDS (UNAIDS), Office of the United Nations High Commissioner for Refugees, United Nations Centre for Human Settlements (Habitat), United Nations Children's Fund, United Nations Conference on Trade and Development, United Nations Development Fund for Women, United Nations Development Programme, United Nations Environment Programme - secretariat of the Basel Convention, United Nations Population Fund, United Nations Volunteers, Working Group on Indigenous Populations, World Food Programme

Specialized agencies

International Labour Organization, International Monetary Fund, International Telecommunication Union, United Nations Educational, Scientific and Cultural Organization, World Health Organization, World Meteorological Organization

Intergovernmental organizations

Arab Labour Organization, Commonwealth Secretariat, Council of Europe, European Parliament, European Union, International Organization for Migration, League of Arab States, Organization of African Unity, Organization of the Islamic Conference

National human rights institutions

Centre for Democracy and Human Rights (Armenia), Comisión Nacional de Derechos Humanos (Mexico), Comité supérieur des droits de l'homme et des libertés fondamentales (Tunisia), Commission nationale consultative des droits de l'homme (France), Human Rights and Equal Opportunity Commission (Australia), Human Rights Commission (New Zealand), National Human Rights Commission (India), Observatoire national des droits de l'homme (Algeria)

National liberation movement

Palestine

Other organizations

International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Order of Malta

Non-governmental organizations

Category I

American Association of Retired Persons

Franciscans International

Greek Orthodox Archdiocesan Council of North and South America

International Abolitionist Federation

International Alliance of Women

International Association for Religious Freedom

International Association of Soldiers for Peace

International Centre of Sociological, Penal and Penitentiary Research and Studies

International Confederation of Free Trade Unions

International Council of Women

International Council on Social Welfare

International Federation of Business and Professional Women

International Movement ATD

Fourth World

International Save the Children Alliance

International Youth and Student Movement for the United Nations

Inter-Parliamentary Union

Liberal International

Muslim World League

Soroptimist International

Transnational Radical Party

Women's International Democratic Federation

World Confederation of Labour

World Conference on Religion and Peace

World Federation of Democratic Youth

World Federation of Trade Unions

World Federation of United Nations Associations

World Muslim Congress

Zonta International

Category II

African Association of Education for Development

African Commission of Health and Human Rights Promoters

Afro-Asian Peoples' Solidarity Organization

All China Women's Federation

All India Women's Conference

All Pakistan Women's Association

American Association of Jurists

Amnesty International

Andean Commission of Jurists

Anglican Consultative Council

Anti-Slavery International

Arab Lawyers Union

Arab Organization for Human Rights

Asian Women Human Rights Council

Associated Country Women of the World

Baha'i International Community

Caritas Internationalis

CHANGE

Childhope Foundation

Christian Democrat International

Commission for the Defense of Human Rights in Central America

Commission of the Churches on International Affairs of the World Council of Churches

Conference of European Churches

Coordinating Board of Jewish Organizations

Defense for Children - International

Development and Innovations Network

Disabled People's International

Federation of Associations of Former International Civil Servants

Four Directions Council

France-Libertés: Fondation Danielle Mitterrand

Freedom House

Friends World Committee for Consultation (Quakers)

General Arab Women Federation

General Conference of the Seventh-Day Adventists

Global 2000

Habitat International Coalition

Himalayan Research and Cultural Foundation

Human Rights Advocates, Inc.

Human Rights Internet

Human Rights Watch

Indian Council of Education

Indigenous World Association

Institute for Women, Law and Development

Inter-African Committee on Traditional Practices Affecting the Health of Women and Children

International Alert

International Association against Torture

International Association for the Defence of religious Liberty

International Association of Democratic Lawyers

International Association of Jewish Lawyers and Jurists

International Association of Penal Law

International Bar Association

International Catholic Child Bureau

International Catholic Migration Commission

International Centre for Human Rights and Democratic Development

International Commission of Jurists

International Council of Environmental Law

International Council of Jewish Women

International Council on Jewish Social and Welfare Services

International Federation of ACAT (Action Christians for the Abolition of Torture)

International Federation of Human Rights

International Federation of Social Workers

International Federation of University Women

International Federation of Women in Legal Careers

International Federation Terre des Hommes

International Fellowship of Reconciliation

International Human Rights Law Group

International Indian Treaty Council

International Institute for Non-Aligned Studies

International Institute of Humanitarian Law

International Islamic Federation of Student Organizations

International Law Association

International League for Human Rights

International League for the Rights and Liberation of Peoples

International Movement for Fraternal Union among Races and Peoples

International Organization for the Development of Freedom of Education

International Organization for the Elimination of All Forms of Racial Discrimination

International Organization of Indigenous Resource Development

International Prison Watch

International Service for Human Rights

International Union of Lawyers

International Union of Young Christian Democrats

International Women's Health Coalition

International Work Group for Indigenous Affairs

Inuit Circumpolar Conference

Islamic African Relief Agency

Latin American Federation of Associations of Relatives of Disappeared Detainees

Lawyers Committee for Human Rights

Lutheran World Federation

National Council of German Women's Organizations

Netherlands Organization for International Development Cooperation

New Human Rights

North South XXI

OXFAM

Pax Christi International

Pax Romana

Penal Reform International

Permanent Assembly for Human Rights

Physicians for Human Rights

Refugee Policy Group

Reporters without Borders - International

Robert F. Kennedy Memorial

Service, Peace and Justice in Latin America

Sierra Club Legal Defense Fund, Inc.

Socialist International Women

Society for Threatened Peoples

Susila Dharma International Association

Union of Arab Jurists

United Towns Agency for North-South Cooperation

War Resisters International

Women's International League for Peace and Freedom

Women's International Zionist Organization

Women's World Summit Foundation

World Alliance of Young Men's Christian Associations

World Association for Psychosocial Rehabilitation

World Council of Indigenous Peoples

World Federalist Movement

World Federation for Mental Health

World Federation of Methodist Women

World Federation of Ukrainian Women's Organizations

World Jewish Congress

World Movement of Mothers

World Society of Victimology

World Union of Catholic Women's Organizations

World University Service

Worldview International Foundation

World Vision International

Roster

Article XIX: The International Centre against Censorship

Asian Buddhist Conference for Peace

Asian Cultural Forum on Development

Centre Europe-Tiers Monde

Christian Solidarity International

Grand Council of the Crees (of Quebec)

International Association of Educators for World Peace

International Baccalaureate Office

International Catholic Girls' Society

International Council of AIDS Service Organizations

International Educational Development, Inc.

International Falcon Movement - Socialist Educational International

International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities

International Federation of Free Journalists

International Federation of Rural Adult Catholic Movements

International Humanist and Ethical Union

International Human Rights Association of American Minorities

International Human Rights Internship Program

International Institute for Peace

International Movement against All Forms of Discrimination and Racism

International Peace Bureau

International PEN

International Studies Association

International Young Catholic Students

Liberation

Minority Rights Group

Movement against Racism and for Friendship among Peoples

Regional Council on Human Rights in Asia

Saami Council

SERVAS International

Soka Gakkai International

Survival International

Third World Movement against the Exploitation of Women

UNDA - International Catholic Association for Radio and Television

World Alliance of Reformed Churches

World Association for the School as an Instrument of Peace

World Christian Life Community

World Islamic Call Society

World Organization against Torture

World Organization of Former Pupils of Catholic Education

World Peace Council

World Press Freedom Committee

World Union for Progressive Judaism

Annex II

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

5. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

   (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

   (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms.

6. Question of the realization of the right to development.

7. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

8. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

   (a) Torture and other cruel, inhuman or degrading treatment or punishment;

   (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

   (c) Question of enforced or involuntary disappearances;

   (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

9. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

   (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

   (b) National institutions for the promotion and protection of human rights;

   (c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

   (d) Human rights, mass exoduses and displaced persons.

10. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

   (a) Question of human rights in Cyprus;

   (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990.

11. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

12. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

13. Status of the International Covenants on Human Rights.

14. Effective functioning of bodies established pursuant to United Nations human rights instruments.

15. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-seventh session.

16. Rights of persons belonging to national or ethnic, religious and linguistic minorities.

17. Advisory services in the field of human rights.

18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

19. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

20. Rights of the child, including:

    (a) Status of the Convention on the Rights of the Child;

    (b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography;

    (c) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

    (d) Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication.

21. Follow-up to the World Conference on Human Rights.

22. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

23. Indigenous issues.

24. Draft provisional agenda for the fifty-third session of the Commission.

25. Report to the Economic and Social Council on the fifty-second session of the Commission.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-SECOND SESSION

At its fifty-second session, the Commission on Human Rights adopted 85 resolutions and 14 decisions relating mainly to existing mandates that do not involve substantive costs or for which provisions have been made in the programme budget for the 1996-1997 biennium.

The Commission approved a few new mandates involving minimal financial implications for the 1996-1997 programme budget. Before taking a decision on the resolutions and decisions, in accordance with regulation 13.1 of the United Nations Financial Regulations and Rules and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council (ECOSOC), the Commission was informed through oral statements of the estimated costs relating to implementation of the requests contained in the resolutions and decisions. The Commission also approved the termination of two mandates.

It is anticipated that the requirements relating to the resolutions and decisions adopted by the Commission at its fifty-second session will be absorbed from within the provisions made under section 21 of the 1996-1997 programme budget for ECOSOC-mandated activities. Thus no additional resources will be required under that section of the programme budget as a result of the adoption of the resolutions and decisions.

Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Commission in 1996.

Annex IV

LIST OF DOCUMENTS ISSUED FOR THE FIFTY-SECOND SESSION OF THE COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/1996/1 and Corr.1	2	Provisional agenda: note by the Secretary-General
E/CN.4/1996/1/Rev.1	2	Agenda: note by the Secretary-General
E/CN.4/1996/1/Add.1 and Corr.1 and 2 and Add.2	2	Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/1996/2-E/CN.4/Sub.2/1995/51	15	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-seventh session
E/CN.4/1996/3	10	Periodic report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur, pursuant to Commission resolution 1995/89: situation in the region of Banja Luka, northern Bosnia and Herzegovina
E/CN.4/1996/4 and Corr.1	10	Report on extrajudicial, summary or arbitrary executions, submitted by Mr. Bacre Waly N'diaye, Special Rapporteur, pursuant to Commission resolution 1995/73
E/CN.4/1996/4/Add.1	10	*Idem*: report of the Special Rapporteur on his mission to Burundi from 19 to 29 April 1995
E/CN.4/1996/4/Add.2	10	Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'diaye, submitted pursuant to Commission resolution 1995/65: report on his mission to the Papua New Guinea island of Bougainville from 23 to 28 October 1995

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/5- E/CN.4/Sub.2/1995/36	8	Letter dated 3 May 1995 from the Permanent Observer for Palestine to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights
E/CN.4/1996/6	10	Periodic report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur, pursuant to Commission resolution 1995/89
E/CN.4/1996/7	10	Report on the situation of human rights in Rwanda, submitted by Mr. René Degni-Ségui, Special Rapporteur, in accordance with Commission resolution S-3/1
E/CN.4/1996/8	9 (b)	Report of the third International Workshop on National Institutions for the Promotion and Protection of Human Rights (Manila, 18-21 April 1995)
E/CN.4/1996/9	10	Final periodic report on the situation of human rights in the territory of the former Yugoslavia, submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur, pursuant to Commission resolution 1995/89
E/CN.4/1996/10	6	Report of the Working Group on the Right to Development on its fourth session
E/CN.4/1996/11	3	Note by the Secretariat
E/CN.4/1996/12	10	First periodic report on the situation of human rights in Iraq, submitted by Mr. Max van der Stoel, Special Rapporteur, pursuant to Commission resolution 1995/76
E/CN.4/1996/13 and Add.1	3	The situation of human rights in the Republic of Chechnya of the Russian Federation: report of the Secretary-General

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/14	3	Report on the situation of human rights in Somalia, submitted by Mr. Mohamed Charfi, independent expert, in accordance with Commission resolution 1995/56
E/CN.4/1996/14/Add.1	17	[French only]
E/CN.4/1996/15	3	Report on the situation of human rights in Guatemala, submitted by Ms. Mónica Pinto, independent expert, in accordance with Commission resolution 1995/51
E/CN.4/1996/16 and Add.1	3	Initial report on the situation of human rights in Burundi, submitted by Mr. Paulo Sérgio Pinheiro, Special Rapporteur, in accordance with Commission resolution 1995/90
E/CN.4/1996/17	3	Preliminary report on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, submitted by Ms. Fatma Zohra Ksentini, Special Rapporteur, pursuant to Commission resolution 1995/81
E/CN.4/1996/18	4	Report on the situation of human rights in the Palestinian territories occupied since 1967, submitted by Mr. Hannu Halinen, Special Rapporteur, pursuant to Commission resolution 1993/2 A
E/CN.4/1996/19	4	Report of the Secretary-General
E/CN.4/1996/20	4	Idem
E/CN.4/1996/21	4	Note by the Secretary-General
E/CN.4/1996/22	5	Ways and means to carry out a political dialogue between creditor and debtor countries in the United Nations system, based on the principle of shared responsibility: report of the Secretary-General

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/23 and Add.1 and 2	5	Human rights and the environment: report of the Secretary-General prepared in accordance with Commission resolution 1995/14
E/CN.4/1996/24	6	Report of the Working Group on the Right to Development on its fifth session
E/CN.4/1996/25	6	Report of the Secretary-General submitted pursuant to Commission resolution 1995/17
E/CN.4/1996/26	7	Situation in occupied Palestine: report of the Secretary-General
E/CN.4/1996/27	7	Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, pursuant to Commission resolution 1995/5 and Economic and Social Council decision 1995/254
E/CN.4/1996/28 and Corr.1	8 (d)	Report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
E/CN.4/1996/29 and Add.1-3	8	Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms: report of the Secretary-General prepared pursuant to Commission resolution 1995/34
E/CN.4/1996/30	8	Note by the Secretary-General
E/CN.4/1996/31 and Add.1	8	Children and juveniles in detention: report of the Secretary-General submitted pursuant to Commission resolution 1995/41
E/CN.4/1996/32	8	Detention of international civil servants and their families: updated report of the Secretary-General prepared pursuant to Commission resolution 1995/39

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/32/Add.1	8	[French only]
E/CN.4/1996/33 and Add.1	8 (a)	United Nations Voluntary Fund for Victims of Torture: report by the Secretary-General
E/CN.4/1996/34	8 (b)	Report of the Secretary-General
E/CN.4/1996/35	8 (a)	Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission resolution 1995/37
E/CN.4/1996/35/Add.1 and Corr.1	8 (a)	Idem: summary of communications transmitted to Governments and replies received
E/CN.4/1996/35/Add.2	8 (a)	Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission resolution 1995/37: visit by the Special Rapporteur to Chile
E/CN.4/1996/36	8 (c)	Special process on missing persons in the territory of the former Yugoslavia: report submitted by Mr. Manfred Nowak, expert member of the Working Group on Enforced or Involuntary Disappearances, responsible for the special process, pursuant to Commission resolution 1995/35
E/CN.4/1996/37	8	Report of the Special Rapporteur on the independence of judges and lawyers, Mr. Dato'Param Cumaraswamy, submitted pursuant to Commission resolution 1995/36
E/CN.4/1996/38 and Corr.1	8 (c)	Report of the Working Group on Enforced or Involuntary Disappearances
E/CN.4/1996/39	8	Report on the promotion and protection of the right to freedom of opinion and expression, submitted by Mr. Abid Hussain, Special Rapporteur, pursuant to Commission resolution 1993/45
E/CN.4/1996/39/Add.1	8	Idem: report of the Special Rapporteur on his mission to the Republic of Korea

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/39/Add.2	8	Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, submitted pursuant to Commission resolution 1993/45: report of the Special Rapporteur on his mission to the Islamic Republic of Iran
E/CN.4/1996/40	8	Report of the Working Group on Arbitrary Detention
E/CN.4/1996/40/Add.1	8	Decisions adopted by the Working Group on Arbitrary Detention
E/CN.4/1996/41	8	Report by the Secretary-General on human rights and forensic science
E/CN.4/1996/42	9 (d)	Human rights and mass exoduses: report of the Secretary-General
E/CN.4/1996/43	9	Human rights and terrorism: note by the Secretary-General
E/CN.4/1996/44	9 (a)	Report of the Secretary-General on human rights and HIV/AIDS, submitted in accordance with Commission resolution 1995/44
E/CN.4/1996/45 and Add.1	9	Human rights and unilateral coercive measures: report of the Secretary-General
E/CN.4/1996/46	9	Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region: report of the Secretary-General submitted in accordance with Commission resolution 1995/48
E/CN.4/1996/46/Add.1	9	*Idem*: report of the fourth workshop on regional human rights arrangements in the Asian and Pacific region, Kathmandu, 26-28 February 1996
E/CN.4/1996/47	9	Human rights and thematic procedures: note by the Secretariat

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/48 and Add.1	9 (b)	National institutions for the promotion and protection of human rights: report of the Secretary-General submitted in accordance with Commission resolution 1995/50
E/CN.4/1996/49	9	Note by the Secretary-General
E/CN.4/1996/50 and Add.1	9	Note by the United Nations High Commissioner for Human Rights
E/CN.4/1996/51	9	Implementation of the Plan of Action for the United Nations Decade for Human Rights Education (1995-2004): report of the United Nations High Commissioner for Human Rights
E/CN.4/1996/52	9 (d)	Internally displaced persons: report of the representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1995/57
E/CN.4/1996/52/Add.1	9 (d)	Idem: profiles in displacement: Peru
E/CN.4/1996/52/Add.2	9 (d)	Internally displaced persons: report of the representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1995/57: compilation and analysis of legal norms
E/CN.4/1996/53	9 (a)	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission resolution 1995/85
E/CN.4/1996/53/Add.1 and Corr.1	9 (a)	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission resolution 1994/45: report on the mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery in wartime

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/53/Add.2	9 (a)	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission resolution 1995/85: a framework for model legislation on domestic violence
E/CN.4/1996/54	10 (a)	Report of the Secretary-General submitted pursuant to Commission decision 1995/113
E/CN.4/1996/55	10	Situation of human rights in southern Lebanon and the western Bekaa: report of the Secretary-General
E/CN.4/1996/56	10	Situation in East Timor: report of the Secretary-General
E/CN.4/1996/57	10	Cooperation with representatives of United Nations human rights bodies: report of the Secretary-General submitted in accordance with Commission resolution 1995/75
E/CN.4/1996/58	10	Human rights violations in the Papua New Guinea island of Bougainville: report of the Secretary-General
E/CN.4/1996/59	10	Report on the situation of human rights in the Islamic Republic of Iran, prepared by Mr. Maurice Copithorne, Special Representative of the Commission on Human Rights, pursuant to Commission resolution 1995/68 and Economic and Social Council decision 1995/279
E/CN.4/1996/60	10	Report on the situation of human rights in Cuba, submitted by Mr. Carl-Johan Groth, Special Rapporteur, in accordance with Commission resolution 1995/66
E/CN.4/1996/61	10	Report on the situation of human rights in Iraq, submitted by Mr. Max van der Stoel, Special Rapporteur, in accordance with Commission resolution 1995/76

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/62	10	Report on the situation of human rights in the Sudan, submitted by Mr. Gáspár Bíró, Special Rapporteur, in accordance with Commission resolution 1995/77
E/CN.4/1996/63	10	Report on the situation of human rights in the territory of the former Yugoslavia, submitted by Ms. Elisabeth Rehn, Special Rapporteur, pursuant to Commission resolution 1995/89
E/CN.4/1996/64	10	Final report on the situation of human rights in Afghanistan, submitted by Mr. Choong-Hyun Paik, Special Rapporteur, in accordance with Commission resolution 1995/74
E/CN.4/1996/65	10	Report on the situation of human rights in Myanmar, prepared by Mr. Yozo Yokota, Special Rapporteur, in accordance with Commission resolution 1995/72
E/CN.4/1996/66	10	Report on the situation of human rights in Zaire, prepared by Mr. Roberto Garretón, Special Rapporteur, in accordance with Commission resolution 1995/69
E/CN.4/1996/67 and Add.1	10	Report on the human rights situation in Equatorial Guinea, submitted by Mr. Alejandro Artucio, Special Rapporteur, pursuant to Commission resolution 1995/71 and Economic and Social Council decision 1995/282
E/CN.4/1996/68	10	Report on the situation of human rights in Rwanda, submitted by Mr. René Degni-Ségui, Special Rapporteur, pursuant to Commission resolution S-3/1
E/CN.4/1996/69	3 and 10	Coordination meeting on the human rights situation in the Great Lakes region: note by the United Nations High Commissioner for Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/70	11	Status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and efforts made by the Secretariat to promote the Convention: report of the Secretary-General
E/CN.4/1996/71	12	Report of the Secretary-General
E/CN.4/1996/71/Add.1	12	Note by the Secretary-General
E/CN.4/1996/72	12	Report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur, pursuant to Commission resolutions 1993/20 and 1995/12
E/CN.4/1996/72/Add.1	12	Idem: report of the Special Rapporteur on his mission to Brazil from 6 to 17 June 1995
E/CN.4/1996/72/Add.2	12	[French only]
E/CN.4/1996/72/Add.3	12	Idem
E/CN.4/1996/72/Add.4	12	Idem
E/CN.4/1996/73	12	Contribution by the International Labour Organization
E/CN.4/1996/74		[Symbol not used]
E/CN.4/1996/75	13	Report of the Secretary-General
E/CN.4/1996/76	13	Succession of States in respect of international human rights treaties: report of the Secretary-General
E/CN.4/1996/77	14	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights: report of the Secretary-General
E/CN.4/1996/78	14	Note by the Secretary-General

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Symbol	Agenda item	
E/CN.4/1996/79	15	Idem
E/CN.4/1996/80 and Add.1-3	15	Minimum humanitarian standards: report of the Secretary-General prepared pursuant to Commission resolution 1995/29
E/CN.4/1996/81	15	Report of Mr. Ioan Maxim, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-seventh session, prepared in accordance with Commission resolution 1995/26
E/CN.4/1996/82	15	Note by the Secretariat transmitting the final draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others
E/CN.4/1996/83	3	Note by the Secretariat
E/CN.4/1996/84	3	Report of the working group established in accordance with Commission resolution 1995/32
E/CN.4/1996/85	15	First session of the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery: report of the Secretary-General
E/CN.4/1996/86	15	Second session of the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery: report of the Secretary-General
E/CN.4/1996/87	14	Inventory of all international human rights standard-setting activities: report of the United Nations High Commissioner for Human Rights prepared in accordance with Commission resolution 1995/92
E/CN.4/1996/88	16	Report of the Secretary-General
E/CN.4/1996/89	17	Situation of human rights in Togo: report of the Secretary-General submitted pursuant to Commission resolution 1995/52

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Symbol	Agenda item	
E/CN.4/1996/90	17	Technical cooperation in the field of human rights: report of the Secretary-General
E/CN.4/1996/91		[Symbol not used]
E/CN.4/1996/92	17	Role of the United Nations Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights: report of the Secretary-General
E/CN.4/1996/93	17	Situation of human rights in Cambodia: report of the Special Representative of the Secretary-General, Mr. Michael Kirby, submitted in accordance with Commission resolution 1995/55
E/CN.4/1996/93/Add.1	17	Situation of human rights in Cambodia: letter dated 22 March 1996 from the Minister of Foreign Affairs of Cambodia to the Centre for Human Rights
E/CN.4/1996/94	17	Situation of human rights in Haiti: report by Mr. Adama Dieng, independent expert, prepared in accordance with Commission resolution 1995/70
E/CN.4/1996/95	18	Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission resolution 1995/23
E/CN.4/1996/95/Add.1	18	Idem: visit by the Special Rapporteur to Pakistan
E/CN.4/1996/95/Add.2	18	Report submitted by Mr. Abdelfattah Amore, Special Rapporteur, in accordance with Commission resolution 1995/23: visit by the Special Rapporteur to the Islamic Republic of Iran
E/CN.4/1996/96	13	Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights: note by the Secretary-General

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Symbol	Agenda item	
E/CN.4/1996/97	19	Report of the working group on its eleventh session
E/CN.4/1996/98	20 (c)	Note by the Secretariat
E/CN.4/1996/99	20 (a)	Report of the Secretary-General
E/CN.4/1996/100	20 (b)	Report submitted by Ms. Ofelia Calcetas-Santos, Special Rapporteur, in accordance with Commission resolution 1995/79
E/CN.4/1996/101	20 (d)	Report of the working group on its second session
E/CN.4/1996/102	20	Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts on its second session
E/CN.4/1996/103	3 and 21	Report of the United Nations High Commissioner for Human Rights: "Making human rights a reality"
E/CN.4/1996/104 and Add.1 and 2	22	Note by the Secretary-General
E/CN.4/1996/105	9 and 21	Expert group meeting on the development of guidelines for the integration of gender perspectives into human rights activities and programmes: note by the Secretariat
E/CN.4/1996/106	5 (a)	Note by the Secretariat
E/CN.4/1996/107	10	Letter dated 12 December 1995 addressed to the Chairman of the Commission on Human Rights by Ms. Elisabeth Rehn, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia
E/CN.4/1996/108	4	Note verbale dated 4 December 1995 from the League of Arab States, addressed to the United Nations Centre for Human Rights

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Symbol	Agenda item	
E/CN.4/1996/109	9	Letter dated 3 April 1995 from the Permanent Representative of Turkey to the United Nations Office at Geneva, addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1996/110 and Add.1	20	Impact of armed conflict on children: report of the Secretary-General
E/CN.4/1996/111	3, 10 and 17	Report of the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda, submitted pursuant to General Assembly resolution 50/200
E/CN.4/1996/112	3 and 21	Report of the United Nations High Commissioner for Human Rights on his visit to Indonesia and East Timor, 3-7 December 1995
E/CN.4/1996/113	5	Report of the Committee on Economic, Social and Cultural Rights on its twelfth and thirteenth sessions (1-19 May 1995, 20 November-8 December 1995): note by the Secretary-General
E/CN.4/1996/114	10	Note verbale dated 17 November 1995 from the Permanent Mission of Iraq to the United Nations Office at Geneva, addressed to the Centre for Human Rights
E/CN.4/1996/115	10	Note verbale dated 20 November 1995 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva, addressed to the Centre for Human Rights
E/CN.4/1996/116	9 (c)	Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights: report of the Secretary-General
E/CN.4/1996/117	9 (a)	Note by the Secretariat
E/CN.4/1996/118	3 and 17	Note verbale dated 7 March 1996 from the Permanent Mission of Colombia to the United Nations Office at Geneva, addressed to the Centre for Human Rights

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Symbol	Agenda item	
E/CN.4/1996/118/Add.1	3 and 17	[Spanish only]
E/CN.4/1996/119	10	Note verbale dated 29 January 1996 from the Permanent Mission of Iraq to the United Nations Office at Geneva, addressed to the Centre for Human Rights
E/CN.4/1996/120	4	Note verbale dated 5 March 1996 from the Deputy Permanent Representative of Israel to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights
E/CN.4/1996/121	8, 10 and 20	Letter dated 20 October 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/122	8 and 10	Letter dated 26 October 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/123	8 and 10	Letter dated 8 November 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/124	8 and 10	Letter dated 10 November 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/125	10	Letter dated 24 November 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights

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Symbol	Agenda item	
E/CN.4/1996/126	10	*Idem*
E/CN.4/1996/127	10	Letter dated 6 August 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/128	10	Letter dated 15 June 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/129	10 and 16	Letter dated 9 June 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/130	10 and 16	Letter dated 26 April 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/131	10	Letter dated 22 January 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/132	20	Letter dated 20 February 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/133	8 (a) and 10	Letter dated 5 March 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/134	15	Letter dated 24 May 1995 from the Chargé d'affaires, a.i. of the Permanent Mission of Croatia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/135	10	Letter dated 2 June 1995 from the Permanent Representative of Croatia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/136	3	Note by the Secretariat
E/CN.4/1996/137	9 (a)	Note verbale dated 26 March 1996 from the Permanent Mission of Japan to the United Nations Office at Geneva, addressed to the Centre for Human Rights
E/CN.4/1996/138	3	Note by the secretariat
E/CN.4/1996/139	10	Letter dated 18 March 1996 from the Permanent Representative of Myanmar to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights
E/CN.4/1996/140	5	Note verbale dated 29 January 1996 from the Permanent Mission of Iraq to the United Nations Office at Geneva, addressed to the Centre for Human Rights
E/CN.4/1996/141	3	Letter dated 19 March 1996 from the Permanent Representative of Morocco to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights

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Symbol	Agenda item	
E/CN.4/1996/142	5	Note verbale dated 20 March 1996 from the Permanent Mission of Cuba to the United Nations Office at Geneva, addressed to the Centre for Human Rights
E/CN.4/1996/143	8 (c)	Letter dated 20 March 1996 from the Permanent Representative of Croatia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/144	7	Letter dated 22 March 1996 from the Permanent Representative of Angola to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/145	10	Letter dated 29 March 1996 from the Permanent Representative of the Sudan to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights
E/CN.4/1996/146	10	Letter dated 29 March 1996 from the Minister for Foreign Affairs of Georgia, addressed to the Assistant Secretary-General for Human Rights
E/CN.4/1996/147	3	Note verbale dated 2 April 1996 from the Permanent Mission of the Russian Federation to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/148	9 (a)	Letter dated 3 April 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/149	10	Letter dated 29 March 1996 from the Permanent Representative of Pakistan to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/150	10	Letter dated 2 April 1996 from the Permanent Representative of India to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/151	4	Note verbale dated 29 March 1996 from the Permanent Delegation of the League of Arab States to the United Nations Office at Geneva, addressed to the Centre for Human Rights
E/CN.4/1996/152	4	Letter dated 26 March 1996 from the Permanent Observer of Palestine to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights
E/CN.4/1996/153	12	Letter dated 25 March 1996 from the Permanent Representative of Turkey to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/154	10	Letter dated 9 April 1996 from the Permanent Representative of Croatia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/155	10	Letter dated 4 April 1996 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva, addressed to the secretariat of the fifty-second session of the Commission on Human Rights
E/CN.4/1996/156	9 (b)	Note verbale dated 11 April 1996 from the Permanent Mission of Cameroon to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/157	10	Report of the Secretary-General on the situation of human rights in Myanmar, submitted pursuant to General Assembly resolution 50/194

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Symbol	Agenda item	
E/CN.4/1996/158	9 (a)	Letter dated 10 April 1996 from the Permanent Representative of Singapore to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights
E/CN.4/1996/159	10	Letter dated 15 April 1996 from the Permanent Representative of Croatia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/160	10	Letter dated 15 April 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/161	7	Letter dated 16 April 1996 from the Permanent Representative of Morocco to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/162	10	Letter dated 15 April 1996 from the Chairman of the Organization of the Islamic Conference Contact Group on Jammu and Kashmir, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/163	10	Memorandum dated 17 April 1996 from the Council of Arab Ambassadors/Permanent Representatives accredited to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/164	8 and 10	Letter dated 17 April 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1996/165	3 and 21	Letter dated 12 April 1996 from the Permanent Representative of Indonesia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/166	10	Letter dated 18 April 1996 from the Permanent Representative of India to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights
E/CN.4/1996/167	10	Letter dated 19 April 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/168	10	Note verbale dated 22 April 1996 from the Permanent Mission of Lebanon to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/169	10	Letter dated 22 April 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/170	10	Letter dated 24 April 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/171	7	Letter dated 25 April 1996 from the Permanent Representative of Algeria to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights

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Symbol	Agenda item	
E/CN.4/1996/172	3 and 21	Letter dated 15 April 1996 from the Permanent Representative of Indonesia to the United Nations Office at Geneva, addressed to the United Nations High Commissioner for Human Rights
E/CN.4/1996/173		[Symbol not used]
E/CN.4/1996/174	10	Letter dated 24 April 1996 from the Permanent Representative of Morocco to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/175	20	Letter dated 18 April 1996 from the Permanent Representative of Angola to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/176	10	Letter dated 19 April 1996 from the Permanent Representative of Angola to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1996/SR.1-64 a/ and E/CN.4/1996/ SR.1-64/Corrigendum		Summary records of the meetings of the the fifty-second session of the Commission and consolidated corrigendum thereto.

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E/CN.4/1996/L.1	24	Note by the Secretary-General
E/CN.4/1996/L.2	3	Algeria, Angola, Bangladesh, Bhutan, China, Cuba, Dominica, Egypt, Equatorial Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Malaysia, Nigeria, Pakistan, Philippines, Singapore, Sri Lanka, Thailand and Viet Nam: draft decision

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Symbol	Agenda item	
E/CN.4/1996/L.3	4	Algeria, Bahrain, Bangladesh, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen: draft resolution
E/CN.4/1996/L.4	10	Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Denmark, Ecuador, El Salvador, Finland, France, Gabon (on behalf of the Group of African States), Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Peru, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1996/L.5	5	China and Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries, with the exception of Côte d'Ivoire, Cyprus and South Africa): draft resolution
E/CN.4/1996/L.6	4	Algeria, Bahrain, China, Cuba, Egypt, Indonesia, Jordan, Malaysia, Mauritania, Morocco, Oman, Qatar, Sudan, Tunisia, United Arab Emirates and Yemen: draft resolution
E/CN.4/1996/L.7	7	Algeria, Bahrain, China, Cuba, Egypt, Indonesia, Jordan, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Sudan, Tunisia, United Arab Emirates and Yemen: draft resolution
E/CN.4/1996/L.8	7	Draft resolution proposed by the Chairman
E/CN.4/1996/L.9	7	Albania, Algeria, Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Cameroon, Canada, Costa Rica, Côte d'Ivoire, Denmark, Dominican Republic, Egypt, El Salvador, Finland, Germany, Greece, Hungary, Iceland, India,

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Symbol	Agenda item	
E/CN.4/1996/L.9 (continued)		Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Luxembourg, Madagascar, Malaysia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Peru, Philippines, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: draft resolution
E/CN.4/1996/L.10 and Add.1-20	25	Draft report of the Commission on its fifty-second session
E/CN.4/1996/L.11 and Add.1-4	25	Idem
E/CN.4/1996/L.12	4	Australia, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Malta, Netherlands, New Zealand, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1996/L.13	14	Australia, Canada, Denmark, Italy, Norway, Portugal and Sweden: draft resolution
E/CN.4/1996/L.13/Rev.1	14	[Same sponsors] and Austria, Chile, Czech Republic, Finland, France, Germany, Israel, Liechtenstein, Netherlands, New Zealand, Philippines, Poland, Republic of Korea and Ukraine: revised draft resolution
E/CN.4/1996/L.14	12	Afghanistan, Algeria, Angola, Argentina, Benin, Brazil, Burundi, Cameroon, Chile, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, France, Gabon, Ghana, Guinea, Honduras, India, Israel, Kenya, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mexico, Morocco, Nicaragua,

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Symbol	Agenda item	
E/CN.4/1996/L.14 (continued)		Nigeria, Pakistan, Peru, Philippines, Portugal, Republic of Korea, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Turkey, United Republic of Tanzania, Venezuela and Zimbabwe: draft resolution
E/CN.4/1996/L.15	13	Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, El Salvador, Equatorial Guinea, Finland, France, Germany, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Luxembourg, Madagascar, Mauritius, Netherlands, New Zealand, Nicaragua, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Russian Federation, Senegal, Slovakia, Spain, Sweden, Switzerland, Ukraine and Venezuela: draft resolution
E/CN.4/1996/L.16	5	Italy, Poland and United States of America: draft resolution
E/CN.4/1996/L.16/Rev.1	5	[Same sponsors]: revised draft resolution
E/CN.4/1996/L.16/Rev.2	5	[Same sponsors] and Argentina, Australia, Canada, Denmark, Dominican Republic, Germany, Hungary, Japan, Russian Federation, Slovakia, Sweden, Ukraine and Uruguay: revised draft resolution
E/CN.4/1996/L.17	5	Algeria, Angola, Benin, Côte d'Ivoire, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Malawi, Mali, Mauritania, Nigeria, Rwanda, Senegal, Sudan, Uganda and Zimbabwe: draft resolution
E/CN.4/1996/L.17/Rev.1	5	[Same sponsors] and Bangladesh, Cameroon, Cuba, Egypt, Honduras, Iraq, Lebanon, Libyan Arab Jamahiriya, Madagascar, Morocco, South Africa, Togo, Tunisia, United Republic of Tanzania, Zaire and Zambia: revised draft resolution

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Symbol	Agenda item	
E/CN.4/1996/L.18	5	Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Finland, France, Germany, Greece, Guatemala, Honduras, Ireland, Israel, Italy, Madagascar, Malawi, Mali, Mauritius, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, South Africa, Switzerland, Uganda, Ukraine, Uruguay, Venezuela and Zimbabwe: draft resolution
E/CN.4/1996/L.19	5	Austria, Belarus, Belgium, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Czech Republic, Denmark, Ecuador, El Salvador, Equatorial Guinea, Finland, France, Germany, Greece, Honduras, Hungary, Ireland, Italy, Latvia, Luxembourg, Madagascar, Mexico, Nepal, Netherlands, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Spain, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and Zimbabwe: draft resolution
E/CN.4/1996/L.20	5	Angola, Benin, Cameroon, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Equatorial Guinea, Ghana, Haiti, Honduras, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Madagascar, Nigeria, Philippines, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Venezuela and Viet Nam: draft resolution
E/CN.4/1996/L.21	5	Cuba: draft decision
E/CN.4/1996/L.22	12	Albania, Benin, Chile, China, Mexico, Pakistan and Turkey: draft resolution

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Symbol	Agenda item	
E/CN.4/1996/L.22/Rev.1	12	[Same sponsors] and Angola, Azerbaijan, Canada, Israel, Republic of Korea, Tunisia and Uruguay: revised draft resolution
E/CN.4/1996/L.23	6	Brazil, China, Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries), Denmark, El Salvador and Portugal: draft resolution
E/CN.4/1996/L.23/Rev.1	6	[Same sponsors] and Argentina, Australia, Austria, Belgium, Canada, Costa Rica, Ecuador, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Mexico, Nepal, Norway, Poland, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay: revised draft resolution
E/CN.4/1996/L.24	12	Cuba: proposed amendments to draft resolution E/CN.4/1996/L.22 - withdrawn
E/CN.4/1996/L.25	11	Argentina, Bangladesh, Chile, El Salvador, Equatorial Guinea, Honduras, Iraq, Mongolia, Morocco, Nepal, Nicaragua, Peru, Philippines, Portugal, Republic of Korea, South Africa, Sri Lanka, Thailand and Zimbabwe: draft resolution
E/CN.4/1996/L.26	16	Australia, Austria, Bhutan, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Cyprus, Denmark, El Salvador, Equatorial Guinea, Germany, Greece, Honduras, India, Ireland, Italy, Madagascar, Netherlands, Poland, Portugal, Romania, Russian Federation, South Africa, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

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Symbol	Agenda item	
E/CN.4/1996/L.27	11	Chile, Cuba, Egypt, El Salvador, Equatorial Guinea, Guatemala, Honduras, Madagascar, Mexico, Morocco, Nicaragua, Peru, Philippines, Portugal, Sri Lanka, Tunisia and Turkey: draft resolution
E/CN.4/1996/L.28	18	Belgium, Bulgaria, Chile, Denmark, Finland, France, Germany, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Norway, Portugal and Sweden: draft resolution
E/CN.4/1996/L.28/Rev.1	18	[Same sponsors] and Andorra, Argentina, Australia, Austria, Belarus, Cameroon, Canada, Côte d'Ivoire, Czech Republic, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Greece, India, Latvia, Madagascar, New Zealand, Philippines, Poland, Republic of Korea, Romania, Senegal, South Africa, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: revised draft resolution
E/CN.4/1996/L.29	15	Argentina, Armenia, Bangladesh, Belgium, Benin, Bhutan, Costa Rica, Cuba, Denmark, El Salvador, Finland, France, Honduras, India, Iraq, Israel, Madagascar, Malaysia, Mali, Mongolia, Morocco, Myanmar, Nicaragua, Norway, Peru, Philippines, Portugal, Republic of Korea, Russian Federation, South Africa, Thailand, Uruguay and Viet Nam: draft resolution
E/CN.4/1996/L.30	10	Gabon (on behalf of the Group of African States): draft resolution
E/CN.4/1996/L.30/Rev.1	10	[Same sponsor]: revised draft resolution
E/CN.4/1996/L.31	8	Cuba: draft resolution - withdrawn
E/CN.4/1996/L.32	5	Gabon (on behalf of the Group of African States) and Venezuela: draft resolution

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Symbol	Agenda item	
E/CN.4/1996/L.33	15	Argentina, Armenia, Australia, Austria, Bangladesh, Bulgaria, Canada, Costa Rica, Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Honduras, India, Italy, Japan, Madagascar, Netherlands, Norway, Peru, Philippines, Poland, Portugal, Slovakia, Spain, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1996/L.34	16	Afghanistan, Albania, Argentina, Australia, Austria, Belarus, Benin, Brazil, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Ethiopia, Finland, Guatemala, Honduras, Hungary, Iceland, Latvia, Liechtenstein, Malta, Mongolia, Nicaragua, Norway, Poland, Portugal, Republic of Korea, Russian Federation, Rwanda, San Marino, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and Ukraine: draft resolution
E/CN.4/1996/L.35	12	India: proposed amendments to draft resolution E/CN.4/1996/L.22
E/CN.4/1996/L.35/Rev.1	12	India: proposed revised amendments to draft resolution E/CN.4/1996/L.22 - withdrawn
E/CN.4/1996/L.36	15	Denmark, El Salvador, Finland, Germany, Hungary, Iceland, Norway, Poland, Slovenia, South Africa, Sweden and Switzerland: draft resolution
E/CN.4/1996/L.36/Rev.1	15	[Same sponsors] and Argentina, Canada, Italy, Latvia, Liechtenstein, Madagascar, Portugal, Ukraine, United States of America and Uruguay: revised draft resolution
E/CN.4/1996/L.37	8	Argentina, Austria, Belgium, Finland, France, Germany, Hungary, Ireland, Portugal, Sweden and Switzerland: draft resolution

Documents issued in the limited series b/ (continued)

Symbol	Agenda item	
E/CN.4/1996/L.37/Rev.1	8	[Same sponsors] and Australia, Bulgaria, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, El Salvador, Georgia, Greece, Italy, Latvia, Liechtenstein, Luxembourg, Norway, Poland, Romania, Russian Federation, Senegal, Slovakia, Spain, the United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution
E/CN.4/1996/L.38	15	Denmark, Germany, Japan, Netherlands and United Kingdom of Great Britain and Northern Ireland: draft decision
E/CN.4/1996/L.39	8	Australia, Belgium, Benin, Bulgaria, Cameroon, Canada, Costa Rica, Czech Republic, Denmark, El Salvador, France, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, Norway, Portugal, Republic of Korea, Russian Federation, Sweden and Ukraine: draft resolution
E/CN.4/1996/L.39/Rev.1	8	[Same sponsors] and Argentina, Austria, Bangladesh, Dominican Republic, Finland, Iceland, Latvia, Netherlands, New Zealand, Peru, Philippines, Slovakia, Spain and United Kingdom of Great Britain and Northern Ireland: revised draft resolution
E/CN.4/1996/L.40	15	Algeria, Australia, Bangladesh, Belarus, Bulgaria, Canada, Colombia, Denmark, Dominican Republic, France, Germany, Hungary, Japan, Netherlands, Philippines, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft decision
E/CN.4/1996/L.41	15	Australia, Bulgaria, Cameroon, Canada, Costa Rica, Czech Republic, El Salvador, Madagascar, Netherlands, Philippines, Republic of Korea and Romania: draft resolution

Documents issued in the limited series b/ (continued)

Symbol	Agenda item	
E/CN.4/1996/L.42	10	Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Romania, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1996/L.42/Rev.1	10	[Same sponsors] and Australia, Canada, Czech Republic, Iceland, Japan, Slovakia and Switzerland: revised draft resolution
E/CN.4/1996/L.43	20	Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1996/L.43/Rev.1	20	[Same sponsors] and Andorra, Argentina, Australia, Bangladesh, Belarus, Benin, Brazil, Bulgaria, Canada, Chile, Colombia, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, El Salvador, Estonia, Ethiopia, Gabon, Guinea, Iceland, Israel, Latvia, Liechtenstein, Lithuania, Madagascar, Malawi, Malta, Mexico, Nicaragua, Norway, Pakistan, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, San Marino, Slovakia, South Africa, Switzerland, Uganda, Ukraine, United States of America, Uruguay and Venezuela: revised draft resolution
E/CN.4/1996/L.44		[Symbol not used]
E/CN.4/1996/L.45	9	Afghanistan, Australia, Bangladesh, China, India, Indonesia, Iran (Islamic Republic of), Iraq, Japan, Jordan, Mongolia, Nepal, New Zealand, Papua New Guinea, Philippines, Republic of Korea, South Africa, Sri Lanka, Syrian Arab Republic and Thailand: draft resolution

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Symbol	Agenda item	
E/CN.4/1996/L.46	17	Australia, Austria, Belgium, Canada, El Salvador, France, Ireland, Japan, Netherlands, New Zealand, Norway, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1996/L.47	15	Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Canada, Chile, Colombia, Costa Rica, Czech Republic, Denmark, Dominican Republic, El Salvador, Finland, Germany, Greece, Hungary, Iceland, Ireland, Libyan Arab Jamahiriya, Madagascar, Netherlands, Norway, Peru, Philippines, Portugal, Republic of Korea, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution
E/CN.4/1996/L.48	20 (d)	Chile, Cuba, Equatorial Guinea, Honduras, Madagascar, Nicaragua, Nigeria, Senegal and Uganda: draft resolution - withdrawn
E/CN.4/1996/L.49	9	Albania, Algeria, Andorra, Argentina, Armenia, Australia, Bangladesh, Belarus, Belgium, Benin, Bulgaria, Colombia, Costa Rica, Cyprus, Czech Republic, Dominican Republic, Egypt, El Salvador, Ethiopia, France, Georgia, Ghana, Greece, Guatemala, Honduras, Ireland, Israel, Italy, Latvia, Madagascar, Malaysia, Malta, Mauritania, Nicaragua, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, the former Yugoslav Republic of Macedonia, Togo, Ukraine and United States of America: draft resolution
E/CN.4/1996/L.50	9	Argentina, Armenia, Austria, Bangladesh, Belarus, Benin, Bulgaria, Canada, Chile, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Germany, Greece, Hungary, India, Israel, Italy,

Documents issued in the limited series b/ (continued)

Symbol	Agenda item	
E/CN.4/1996/L.50 (continued)		Madagascar, Mexico, Pakistan, Paraguay, Peru, Philippines, Poland, Republic of Korea, Russian Federation, Slovakia, South Africa, Sri Lanka, Sweden, the former Yugoslav Republic of Macedonia, Togo, Ukraine and the United States of America: draft resolution
E/CN.4/1996/L.51	8	Andorra, Argentina, Australia, Austria, Belarus, Belgium, Benin, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Luxembourg, Madagascar, Nepal, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela: draft resolution
E/CN.4/1996/L.52	10	Austria, Belgium, Bulgaria, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1996/L.52/Rev.1	10	[Same sponsors] and Argentina, Australia, Czech Republic, Estonia, Iceland, Japan, Liechtenstein, Lithuania, Malta, Norway, Poland, Slovakia, South Africa, Switzerland and United States of America: revised draft resolution
E/CN.4/1996/L.53	9	Angola, Argentina, Australia, Austria, Belarus, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Cyprus, Czech Republic, Dominican Republic, El Salvador, Finland, France, Germany, Greece, Honduras, Israel, Italy, Madagascar, Malawi, Nepal, Nicaragua,

Documents issued in the limited series b/ (continued)

Symbol	Agenda item	
E/CN.4/1996/L.53 (continued)		Paraguay, Peru, Philippines, Poland, Portugal, Romania, Slovakia, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland and Zimbabwe: draft resolution
E/CN.4/1996/L.54 and Corr.1	17	France, Gabon (on behalf of the Group of African States), Netherlands and Spain: draft resolution
E/CN.4/1996/L.55	23	Australia, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, El Salvador, Estonia, Finland, Greece, Honduras, Mexico, New Zealand, Nicaragua, Norway, Peru, Sweden, Switzerland and United States of America: draft resolution
E/CN.4/1996/L.56	23	Australia, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, El Salvador, Estonia, Finland, Greece, Honduras, Mexico, New Zealand, Nicaragua, Norway, Peru, Philippines, Sweden and United States of America: draft resolution
E/CN.4/1996/L.57	23	Germany, Italy, Netherlands and United Kingdom of Great Britain and Northern Ireland: draft decision - withdrawn
E/CN.4/1996/L.58	8	Argentina, Armenia, Austria, Belarus, Canada, Czech Republic, Denmark, Dominican Republic, France, Germany, Greece, Portugal, Russian Federation, Slovakia, Spain and United States of America: draft resolution
E/CN.4/1996/L.59	8	Andorra, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Ethiopia, Finland, France, Germany, Guatemala, Haiti, Honduras, Hungary, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, New Zealand, Paraguay, Philippines,

Documents issued in the limited series b/ (continued)

Symbol	Agenda item	
E/CN.4/1996/L.59 (continued)		Portugal, Republic of Korea, Romania, Slovakia, Slovenia, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay: draft resolution
E/CN.4/1996/L.60	8 (d)	Argentina, Armenia, Austria, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Gambia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Italy, Latvia, Liechtenstein, Luxembourg, Madagascar, Malta, Netherlands, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela: draft resolution
E/CN.4/1996/L.61	8 (c)	Afghanistan, Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Croatia, Egypt, El Salvador, Gambia, Indonesia, Iran (Islamic Republic of), Kuwait, Malaysia, Pakistan, Senegal, Tunisia and Turkey: draft resolution - withdrawn
E/CN.4/1996/L.62	9 (b)	Angola, Australia, Austria, Cameroon, Canada, Costa Rica, Czech Republic, Dominican Republic, El Salvador, France, Honduras, India, Indonesia, Latvia, Madagascar, Malawi, Mexico, Mongolia, Netherlands, New Zealand, Norway, Papua New Guinea, Philippines, Portugal, Russian Federation, Senegal, Slovakia, Spain, Sri Lanka, Sweden, Togo, Tunisia and Venezuela: draft resolution

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Symbol	Agenda item	
E/CN.4/1996/L.63	8	Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Madagascar, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela: draft resolution
E/CN.4/1996/L.63/Rev.1	8	[Same sponsors] and Andorra, Argentina, Gambia and Republic of Korea: revised draft resolution
E/CN.4/1996/L.64	8	Russian Federation: draft resolution
E/CN.4/1996/L.64/Rev.1	8	[Same sponsor]: revised draft resolution
E/CN.4/1996/L.65	9	Andorra, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela: draft resolution
E/CN.4/1996/L.66	23	Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Ecuador, Estonia, Finland, Greece, Guatemala, Honduras, Mexico, New Zealand, Nicaragua, Norway, Peru, Russian Federation and Sweden: draft resolution

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Symbol	Agenda item	
E/CN.4/1996/L.67	17	Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Czech Republic, Denmark, Dominican Republic, El Salvador, Ethiopia, Finland, France, Germany, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Madagascar, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Korea, South Africa, Spain, Sweden, Switzerland, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1996/L.68	17	Argentina, Australia, Benin, Brazil, Bulgaria, Canada, Chile, Colombia, Germany, Greece, Guatemala, Honduras, India, Israel, Italy, Madagascar, Mali, Peru, Portugal, Russian Federation, South Africa, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution
E/CN.4/1996/L.69	9	Algeria, Angola, Bangladesh, Benin, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Equatorial Guinea, Ethiopia, Ghana, Guinea, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mexico, Myanmar, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Senegal, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Uganda, United Republic of Tanzania, Venezuela, Yemen and Zimbabwe: draft resolution
E/CN.4/1996/L.70	23	Armenia, Australia, Benin, Bolivia, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, El Salvador, Estonia, Greece, Guatemala, Honduras, Iceland, Mexico, Nepal, New Zealand, Nicaragua, Norway, Paraguay, Portugal, Russian Federation and Sweden: draft resolution

Documents issued in the limited series b/ (continued)

Symbol	Agenda item	
E/CN.4/1996/L.70/Rev.1	23	[Same sponsors] and Belgium, Ecuador, Finland, Latvia and Peru: revised draft resolution
E/CN.4/1996/L.71	17	Australia, Canada, Denmark, Finland, France, Germany, Ireland, Italy, Japan, New Zealand, Poland, Republic of Korea, Romania, Spain and Sweden: draft resolution
E/CN.4/1996/L.72	9	Afghanistan, Algeria, Angola, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Benin, Bosnia and Herzegovina, Bulgaria, Burundi, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, France, Gabon, Georgia, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Israel, Italy, Japan, Madagascar, Malawi, Malaysia, Mongolia, Morocco, Netherlands, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Ukraine, United Republic of Tanzania, Uruguay, Venezuela, Yemen, Zaire and Zimbabwe: draft resolution
E/CN.4/1996/L.73	9 (d)	Andorra, Australia, Canada, Croatia, Cyprus, Czech Republic, El Salvador, Finland, France, Germany, Hungary, Liechtenstein, Luxembourg, Madagascar, Nepal, Netherlands, New Zealand, Norway, Poland, Sweden, Switzerland and Uruguay: draft resolution
E/CN.4/1996/L.74	8	Argentina, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, El Salvador, Finland, France, Gambia, Germany, Greece, Honduras, Hungary, Ireland, Italy, Latvia, Luxembourg, Madagascar, Malawi,

Documents issued in the limited series b/ (continued)

Symbol	Agenda item	
E/CN.4/1996/L.74 (continued)		Netherlands, Norway, Portugal, Republic of Korea, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, United States of America and Uruguay: draft resolution
E/CN.4/1996/L.75	8 and 10	Albania, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1996/L.76	8	Angola, Argentina, Australia, Austria, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Gambia, Hungary, Italy, Latvia, Netherlands, Nicaragua, Philippines, Poland, Republic of Korea, Senegal, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution
E/CN.4/1996/L.77	9	Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, Czech Republic, Denmark, Dominican Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Luxembourg, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Korea, Russian Federation, Slovakia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution
E/CN.4/1996/L.78	10	Afghanistan, Algeria, Bahrain, Bangladesh, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia,

Documents issued in the limited series b/ (continued)

Symbol	Agenda item	
E/CN.4/1996/L.78 (continued)		Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, and Yemen: draft resolution
E/CN.4/1996/L.79	9	Algeria, Azerbaijan, Colombia, Dominican Republic, Egypt, El Salvador, Honduras, India, Malaysia, Peru, Philippines, Republic of Korea, Russian Federation, Sri Lanka, Turkey and Uruguay: draft resolution
E/CN.4/1996/L.80	17	Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, France, Greece, Haiti, Honduras, Hungary, Japan, Luxembourg, Mexico, Netherlands, Peru, Spain, United States of America, Uruguay and Venezuela: draft resolution
E/CN.4/1996/L.81	17	Colombia, Denmark, Ecuador, El Salvador, France, Germany, Greece, Mexico, Nicaragua, Norway, Peru, Spain, United States of America, Uruguay and Venezuela: draft resolution
E/CN.4/1996/L.82	9	Andorra, Argentina, Australia, Austria, Belarus, Benin, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Finland, France, Gambia, Germany, Hungary, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Peru, Philippines, Portugal, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Zimbabwe: draft resolution

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Symbol	Agenda item	
E/CN.4/1996/L.83	9	Andorra, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, El Salvador, Ethiopia, Finland, France, Gambia, Germany, Greece, Hungary, Iceland, India, Ireland, Italy, Jordan, Latvia, Liechtenstein, Luxembourg, Malawi, Malaysia, Netherlands, New Zealand, Nicaragua, Norway, Philippines, Portugal, Republic of Korea, Senegal, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Zimbabwe: draft resolution
E/CN.4/1996/L.84	8	Andorra, Argentina, Australia, Austria, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Côte d'Ivoire, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Guinea, Honduras, Hungary, India, Ireland, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Madagascar, Malawi, Nepal, Netherlands, Nicaragua, Norway, Peru, Philippines, Portugal, Russian Federation, Slovakia, Sweden, Switzerland, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution
E/CN.4/1996/L.85	5	Cuba: proposed amendments to draft resolution E/CN.4/1996/L.16 - withdrawn
E/CN.4/1996/L.86	10	Australia, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Japan, Luxembourg, Netherlands, Norway, Romania, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

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Symbol	Agenda item	
E/CN.4/1996/L.87	10	Argentina, Australia, Austria, Canada, Chile, Costa Rica, Czech Republic, Denmark, El Salvador, Haiti, Hungary, Ireland, Italy, Japan, Madagascar, Norway, Senegal, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1996/L.88	19	Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Denmark, Ecuador, El Salvador, Finland, France, Germany, Hungary, Ireland, Italy, Liechtenstein, Madagascar, Netherlands, Norway, Poland, Portugal, Romania, Senegal, Spain, Sweden, Switzerland, Syrian Arab Republic, Tunisia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1996/L.89	9	Argentina, Australia, Austria, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Netherlands, Norway, Peru, Portugal, Republic of Korea, Russian Federation, Sweden and Uruguay: draft resolution
E/CN.4/1996/L.90	10	Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1996/L.91	10	Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta,

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Symbol	Agenda item	
E/CN.4/1996/L.91 (continued)		Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1996/L.92	10	Andorra, Argentina, Australia, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Portugal, Romania, San Marino, Slovakia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution
E/CN.4/1996/L.93	10	Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Norway, Portugal, San Marino, Slovakia, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland: draft resolution
E/CN.4/1996/L.93/Rev.1	10	[Same sponsors] and Canada and Iceland: revised draft resolution
E/CN.4/1996/L.94	21	Cuba: draft resolution
E/CN.4/1996/L.95	10	Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Slovakia, South Africa, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

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Symbol	Agenda item	
E/CN.4/1996/L.96	10	Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Madagascar, Netherlands, New Zealand, Norway, Portugal, Romania, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution
E/CN.4/1996/L.97 and Corr.1	21	Albania, Andorra, Argentina, Australia, Austria, Belarus, Benin, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Denmark, El Salvador, Ethiopia, Finland, France, Germany, Guatemala, Honduras, Hungary, Israel, Liechtenstein, Luxembourg, Madagascar, Mauritania, New Zealand, Poland, Portugal, Republic of Korea, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Uganda, Uruguay and Venezuela: draft resolution
E/CN.4/1996/L.98	10	Draft resolution submitted by the Chairman
E/CN.4/1996/L.99	10	Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bulgaria, Burundi, Canada, Chile, Colombia, Denmark, Equatorial Guinea, Ethiopia, Finland, France, Gambia, Germany, Ghana, Greece, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, Netherlands, New Zealand, Norway, Portugal, Rwanda, Senegal, South Africa, Spain, Sudan, Sweden, Switzerland, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Zaire: draft resolution
E/CN.4/1996/L.100	24	Proposal by the Chairman: Restructuring of the Commission's agenda

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Symbol	Agenda item	
E/CN.4/1996/NGO/1	6	[*Spanish only*]
E/CN.4/1996/NGO/2	5 (a)	*Idem*
E/CN.4/1996/NGO/3	5 (b)	*Idem*
E/CN.4/1996/NGO/4	9 (a)	Written statement submitted by the International Movement against all Forms of Discrimination and Racism, a non-governmental organization on the Roster
E/CN.4/1996/NGO/5	15	[*Spanish only*]
E/CN.4/1996/NGO/6	10	Written statement submitted by International PEN, a non-governmental organization on the Roster
E/CN.4/1996/NGO/7	5	Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Roster
E/CN.4/1996/NGO/8	5 and 6	[*Spanish only*]
E/CN.4/1996/NGO/9	10	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/10	5, 8, 9 and 10	*Idem*
E/CN.4/1996/NGO/11	6	[*French only*]
E/CN.4/1996/NGO/12	10	Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/13	15	Written statement submitted by the International Abolitionist Federation, a non-governmental organization in consultative status (category I)

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Symbol	Agenda item	
E/CN.4/1996/NGO/14	5	[Spanish only]
E/CN.4/1996/NGO/15	5	Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/16	10	Joint written statement submitted by: Union of Arab Jurists, Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II); Indian Council of South America, Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster
E/CN.4/1996/NGO/17	10	Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/18	10	[Spanish only]
E/CN.4/1996/NGO/19	18	Joint written statement submitted by: Franciscans International, Greek Orthodox Archdiocesan Council of North and South America, International Association for Religious Freedom, non-governmental organizations in consultative status (category I); Baha'i International Community, Christian Peace Conference, Church World Service, Inc., Coordinating Board of Jewish Organizations, International Catholic Union of the Press, Lutheran World Federation, Pathways to Peace, Pax Christi International, Pax Romana, The Salvation Army, Temple of Understanding, World Conference on Religion and Peace, World Council of Indigenous Peoples, World Jewish Congress, World Student Christian Federation, non-governmental organizations in consultative status (category II); Gray Panthers, International Humanist and Ethical Union,

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Symbol	Agenda item	
E/CN.4/1996/NGO/19 (continued)		Third World Movement against the Exploitation of Women, World Christian Life Community, World Union for Progressive Judaism, non-governmental organizations on the Roster
E/CN.4/1996/NGO/20	9	Joint written statement submitted by: Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches, Friends World Committee for Consultation (Quakers), non-governmental organizations in consultative status (category II)
E/CN.4/1996/NGO/21	10	Written statement submitted by the World Society of Victimology, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/22	3	Joint written statement submitted by: International Abolitionist Federation, International Alliance of Women, International Council of Women, Women's International Democratic Federation, World Federation of Trade Unions, World Federation of United Nations Associations, World Veterans Federation, Zonta International, non-governmental organizations in consultative status (category I); African Association of Education for Development, Associated Country Women of the World, Education International, General Arab Women Federation, International Association of Democratic Lawyers, International Council of Jewish Women, International Federation of Resistance Movements, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, Lutheran World Federation, Pax Romana, Socialist International Women, Women's International League for Peace and Freedom, Women's International Zionist Organization, Women's World Summit Foundation, World Alliance of Young Men's Christian Associations, World Association

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1996/NGO/22 (continued)		of Girl Guides and Girl Scouts, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Union of Catholic Women's Organizations, non-governmental organizations in consultative status (category II); Association for Childhood Education International, International Movement against All Forms of Discrimination and Racism, Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster
E/CN.4/1996/NGO/23	15	Joint written statement submitted by: International Abolitionist Federation, International Alliance of Women, International Council of Women, Women's International Democratic Federation, World Federation of Trade Unions, World Federation of United Nations Associations, World Veterans Federation, Zonta International, non-governmental organizations in consultative status (category I); African Association of Education for Development, Associated Country Women of the World, Baha'i International Community, Coordinating Board of Jewish Organizations, Education International, General Arab Women Federation, International Association of Democratic Lawyers, International Council of Jewish Women, International Federation of Resistance Movements, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, Lutheran World Federation, Pax Romana, Socialist International Women, Women's International League for Peace and Freedom, Women's International Zionist Organization, Women's World Summit Foundation, World Alliance of Young Men's Christian Associations, World Association of Girl Guides and Girl Scouts, World Federation for Mental Health, World Federation of Methodist Women,

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1996/NGO/23 (continued)		World Jewish Congress, World Union of Catholic Women's Organizations, World Vision International, non-governmental organizations in consultative status (category II); Association for Childhood Education International, International Movement against All Forms of Discrimination and Racism, Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster
E/CN.4/1996/NGO/24	8	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/25	8	Idem
E/CN.4/1996/NGO/26	8 (c)	Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/27	4	[French only]
E/CN.4/1996/NGO/28	9	Written statement submitted by the Baha'i International Community, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/29	10	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/30	10	Idem
E/CN.4/1996/NGO/31	9 (d)	Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/32	5 (a)	Written statement submitted by the International Humanist and Ethical Union, a non-governmental organization on the Roster

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1996/NGO/33	20	Written statement submitted by the Friends World Committee for Consultation (Quakers), a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/34	9	Idem
E/CN.4/1996/NGO/35	6	Written statement submitted by Article XIX: The International Centre against Censorship, a non-governmental organization on the Roster
E/CN.4/1996/NGO/36	8 and 10	[French only]
E/CN.4/1996/NGO/37	9	Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/38	17	Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/39	20	Idem
E/CN.4/1996/NGO/40	7	Idem
E/CN.4/1996/NGO/41	5	Idem
E/CN.4/1996/NGO/42	20	Written statement submitted by the World Federation of Democratic Youth, a non-governmental organization in consultative status (category I)
E/CN.4/1996/NGO/43	9	Written statement submitted by the World Christian Life Community, a non-governmental organization on the Roster
E/CN.4/1996/NGO/44	10	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/45	4	[French only]

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1996/NGO/46	8	Idem
E/CN.4/1996/NGO/47	9 (d)	Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/48	6	Idem
E/CN.4/1996/NGO/49	5 (a)	[French only]
E/CN.4/1996/NGO/50	11	Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/51	9 (d)	Written statement submitted by the Refugee Policy Group, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/52	10	Written statement submitted by the International Association of Educators for World Peace, a non-governmental organization on the Roster
E/CN.4/1996/NGO/53	7	[French only]
E/CN.4/1996/NGO/54	10	Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I)
E/CN.4/1996/NGO/55	8	Written statement submitted by the Transnational Radical Party, a non-governmental organization in consultative status (category I)
E/CN.4/1996/NGO/56	9	Idem
E/CN.4/1996/NGO/57	10	Idem
E/CN.4/1996/NGO/58	10	Idem
E/CN.4/1996/NGO/59	18	Idem

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1996/NGO/60	4	Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/61	8 (a)	Idem
E/CN.4/1996/NGO/62	10	Idem
E/CN.4/1996/NGO/63	11	Idem
E/CN.4/1996/NGO/64	9	Idem
E/CN.4/1996/NGO/65	15	Idem
E/CN.4/1996/NGO/66	16	Idem
E/CN.4/1996/NGO/67	10	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/68	10	Idem
E/CN.4/1996/NGO/69	10	Idem
E/CN.4/1996/NGO/70	4	Written statement submitted by the Arab Lawyers Union, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/71	12	Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/72	20	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/73	3 and 15	[French only]
E/CN.4/1996/NGO/74	17	Written statement submitted by the Robert F. Kennedy Memorial, a non-governmental organization in consultative status (category II)

Symbol	Agenda item	
E/CN.4/1996/NGO/75	9	Joint written statement submitted by: Women's International Democratic Federation, World Confederation of Labour, World Federation of Democratic Youth, non-governmental organizations in consultative status (category I); American Association of Jurists, Disabled People's International, Four Directions Council, International Association of Democratic Lawyers, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, Pax Christi International, non-governmental organizations in consultative status (category II); Centre Europe-Tiers Monde, International Educational Development, Inc., International Falcon Movement - Socialist Educational International, International Movement against All Forms of Discrimination and Racism, Movement against Racism and for Friendship among Peoples, World Christian Life Community, World Organization against Torture, non-governmental organizations on the Roster
E/CN.4/1996/NGO/76	5	Joint written statement submitted by: International Abolitionist Federation, International Alliance of Women, International Federation of Business and Professional Women, International Movement ATD Fourth World, International Social Security Association, Soroptimist International, Zonta International, non-governmental organizations in consultative status (category I); Baha'i International Community, Caritas Internationalis, Emmaus International Association, International Association of Democratic Lawyers, International Federation of Social Workers, International Federation of University Women, International Federation Terre des Hommes, International Movement for Fraternal Union among Races and Peoples, Pax Christi International, Pax Romana,

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1996/NGO/76 (continued)		The Salvation Army, World Federation of Methodist Women, non-governmental organizations in consultative status (category II); International Association of Charities, a non-governmental organization on the Roster
E/CN.4/1996/NGO/77	11	Written statement submitted by the International Indian Treaty Council, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/78	8	Idem
E/CN.4/1996/NGO/79	8	Written statement submitted by the International Association of Educators for World Peace, a non-governmental organization on the Roster
E/CN.4/1996/NGO/80	10	Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/81	23	Written statement submitted by the World Federation of Democratic Youth, a non-governmental organization in consultative status (category I)
E/CN.4/1996/NGO/82	8	Written statement submitted by the Robert F. Kennedy Memorial, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/83	9 (d)	Written statement submitted by Médecins sans Frontières (International), a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/84	23	Written statement submitted by Four Directions Council, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/85	23	Written statement submitted by Survival International, a non-governmental organization on the Roster

Symbol	Agenda item	
E/CN.4/1996/NGO/86	9	Written statement submitted by Liberation, a non-governmental organization on the Roster
E/CN.4/1996/NGO/87	10	Written statement submitted by the International Islamic Federation of Student Organizations, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/88	17	[Spanish only]
E/CN.4/1996/NGO/89	9	[French only]
E/CN.4/1996/NGO/90	10	Joint written statement submitted by: Women's International Democratic Federation, World Federation of Democratic Youth, World Muslim Congress, non-governmental organizations in consultative status (category I); American Association of Jurists, General Arab Women Federation, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, North South XXI, Pax Christi International, Union of Arab Jurists, Women's International League for Peace and Freedom, World Movement of Mothers, World Young Women's Christian Association, non-governmental organizations in consultative status (category II); Centre Europe-Tiers Monde, International Educational Development, Inc., Movement against Racism and for Friendship among Peoples, World Peace Council, non-governmental organizations on the Roster
E/CN.4/1996/NGO/91	10	[Spanish only]

Documents issued in the non-governmental organization series (*continued*)

Symbol	Agenda item	
E/CN.4/1996/NGO/92	20	Written statement submitted by Childhope Foundation, a non-governmental organization in consultative status (category II)
E/CN.4/1996/NGO/93	10	[*French only*]

Notes

a/ The summary records of the closed meetings (37th and 38th) were issued in restricted distribution.

b/ The sponsors listed here include those which became sponsors of the draft resolution, decision or amendment subsequent to the issue of the document.

Annex V

RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-SECOND SESSION

Res./Dec.	Document E/CN.4/1996	Agenda item	Title	Action take a/
1996/1	L.4	10	Situation of human rights in Burundi	without a vote
1996/2	L.3	4	Human rights in the occupied Syrian Golan	roll-call vote (22/1/29)
1996/3	L.6	4	Question of the violation of human rights in the occupied Arab territories, including Palestine	roll-call vote (27/2/23)
1996/4	L.12	4	Israeli settlements in the occupied Arab territories	vote (49/1/3)
1996/5	L.7	7	Situation in occupied Palestine	roll-call vote (28/1/23)
1996/6	L.8	7	Question of Western Sahara	without a vote
1996/7	L.9	7	Middle East peace process	without a vote
1996/8	L.14	12	Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination	without a vote
1996/9	L.5	5	Human rights and unilateral coercive measures	roll-call vote (32/14/7)
1996/10	L.18	5	Human rights and extreme poverty	without a vote
1996/11	L.19	5	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights	without a vote

Res./Dec.	Document E/CN.4/1996	Agenda item	Title	Action take a/
1996/12	L.20	5	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development	roll-call vote (34/16/1)
1996/13	L.32	5	Human rights and the environment	without a vote
1996/14	L.17/Rev.1	5	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights	roll-call vote (32/16/3)
1996/15	L.23/Rev.1	6	The right to development	without a vote
1996/16	L.15	13	Status of the International Covenants on Human Rights	without a vote
1996/17	L.25	11	Violence against women migrant workers	without a vote
1996/18	L.27	11	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	without a vote
1996/19	L.26	16	Tolerance and pluralism as indivisible elements in the promotion and protection of human rights	without a vote
1996/20	L.34	16	Rights of persons belonging to national or ethnic, religious and linguistic minorities	without a vote
1996/21	L.22/Rev.1	12	Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance	without a vote
1996/22	L.13/Rev.1	14	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights	without a vote

Res./Dec.	Document E/CN.4/1996	Agenda item	Title	Action take a/
1996/23	L.28/Rev.1	18	Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	without a vote
1996/24	L.29	15	Traffic in women and girls	without a vote
1996/25	L.33	15	Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	without a vote
1996/26	L.36/Rev.1	15	Minimum humanitarian standards	without a vote
1996/27	L.47	15	Human rights of persons with disabilities	without a vote
1996/28	L.37/Rev.1	8	Question of arbitrary detention	without a vote
1996/29	L.39/Rev.1	8	Staff members of the United Nations and of the specialized agencies in detention	without a vote
1996/30	L.51	8	Question of enforced disappearances	without a vote
1996/31	L.58	8	Human rights and forensic science	without a vote
1996/32	L.59	8	Human rights in the administration of justice, in particular of children and juveniles in detention	without a vote
1996/33	L.63/Rev.1	8	Torture and other cruel, inhuman or degrading treatment or punishment	without a vote
1996/34	L.74	8	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	without a vote
1996/35	L.76	8	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms	without a vote
1996/36	draft res. I*	8	Question of human rights and states of emergency	without a vote
1996/37	L.60	8	Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	without a vote

Res./Dec.	Document E/CN.4/1996	Agenda item	Title	Action take a/
1996/38	L.55	23	Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994	without a vote
1996/39	L.56	23	International Decade of the World's Indigenous People	without a vote
1996/40	L.66	23	Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	without a vote
1996/41	L.70/Rev.1	23	A permanent forum for indigenous people in the United Nations system	without a vote
1996/42	L.50	9	Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights	without a vote
1996/43	L.53	9	The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)	without a vote
1996/44	L.72	9	United Nations Decade for the Human Rights Education	without a vote
1996/45	L.49	9	The Olympic Ideal	without a vote
1996/46	L.77	9	Human rights and thematic procedures	without a vote
1996/47	L.79	9	Human rights and terrorism	without a vote
1996/48	L.82	9	Question of integrating the human rights of women throughout the United Nations system	without a vote
1996/49	L.83	9	The elimination of violence against women	without a vote
1996/50	L.62	9	National institutions for the promotion and protection of human rights	without a vote
1996/51	L.73	9	Human rights and mass exoduses	without a vote

Res./Dec.	Document E/CN.4/1996	Agenda item	Title	Action take a/
1996/52	L.89	9	Internally displaced persons	without a vote
1996/53	L.84	8	Right to freedom of opinion and expression	without a vote
1996/54	L.46	17	Situation of human rights in Cambodia	without a vote
1996/55	L.67	17	Advisory services, technical cooperation and the Voluntary Fund for Technical Cooperation in the Field of Human Rights	without a vote
1996/56	L.68	17	Assistance to States in strengthening the rule of law	without a vote
1996/57	L.71	17	Assistance to Somalia in the field of human rights	without a vote
1996/58	L.80	17	Situation of human rights in Haiti	without a vote
1996/59	L.81	17	Assistance to Guatemala in the field of human rights	without a vote
1996/60	L.16/Rev.2	5	Question of fundamental trade union and workers' rights	without a vote
1996/61	L.41	15	Contemporary forms of slavery	without a vote
1996/62	L.64/Rev.1	8	Hostage-taking	without a vote
1996/63	draft res. II*	23	Protection of the heritage of indigenous people	without a vote
1996/64	L.45	9	Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region	without a vote
1996/65	L.69	9	Composition of the staff of the Centre for Human Rights	roll-call vote (33/16/4)
1996/66	L.30/Rev.1	10	Situation of human rights in Equatorial Guinea	without a vote
1996/67	L.54 and Corr.1	17	Situation of human rights in Togo	without a vote

Res./Dec.	Document E/CN.4/1996	Agenda item	Title	Action take a/
1996/68	L.78	10	Human rights situation in southern Lebanon and West Bekaa	roll-call vote (50/1/2)
1996/69	L.86	10	Human rights in Cuba	roll-call vote (20/5/28)
1996/70	L.87	10	Cooperation with representatives of United Nations human rights bodies	without a vote
1996/71	L.75	10	Situation of human rights in the Republic of Bosnia and Herzegovina, the state of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)	without a vote
1996/72	L.92	10	Situation of human rights in Iraq	roll-call vote (30/0/21)
1996/73	L.95	10	Situation of human rights in the Sudan	without a vote
1996/74	L.96	10	Extrajudicial, summary or arbitrary executions	without a vote
1996/75	L.98	10	Situation of human rights in Afghanistan	without a vote
1996/76	L.99	10	Situation of human rights in Rwanda	without a vote
1996/77	L.93/Rev.1	10	Situation of human rights in Zaire	without a vote
1996/78	L.97 and Corr.1	21	Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action	without a vote
1996/79	L.52/Rev.1	10	Situation of human rights in Nigeria	without a vote
1996/80	L.91	10	Situation of human rights in Myanmar	without a vote
1996/81	L.88	19	Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms	without a vote

Res./Dec.	Document E/CN.4/1996	Agenda item	Title	Action take a/
1996/82	L.65	9	Strengthening of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights	without a vote
1996/83	L.94	21	Evaluation of the human rights programme of the United Nations system, in accordance with the Vienna Declaration and Programme of Action	without a vote
1996/84	L.42/Rev.1	10	Situation of human rights in the Islamic Republic of Iran	roll-call vote (24/7/20)
1996/85	L.43/Rev.1	20	Rights of the child	without a vote
1996/101	---	3	Organization of work	without a vote
1996/102	---	23	Indigenous issues	without a vote
1996/103	draft dec. 5*	5	Effects of structural adjustment policies on the full enjoyment of human rights	vote (34/16/1)
1996/104	L.21	5	Forced evictions	vote (22/18/9)
1996/105	L.38	15	Recognition of gross and large-scale violations of human rights as an international crime	without a vote
1996/106	L.40	15	Question of the implications for human rights of United Nations action, including humanitarian assistance, in addressing international humanitarian problems in the promotion and protection of human rights	without a vote
1996/107	draft dec. 1*	15	Systematic rape and sexual slavery during periods of armed conflict	without a vote

Res./Dec.	Document E/CN.4/1996	Agenda item	Title	Action take a/
1996/108	draft dec. 9*	15	Human rights dimensions of population transfer, including the implantation of settlers and settlements	without a vote
1996/109	L.57	23	Study on treaties, agreements and other constructive arrangements between States and indigenous populations	without a vote
1996/110	---	3	Organization of the work of the fifty-third session	without a vote
1996/111	---	3	Organization of the work of the fifty-third session	without a vote
1996/112	---	10	Question of human rights in Cyprus	without a vote
1996/113	---	3	Organization of the work of the fifty-third session	without a vote
1996/114	L.2	3	Organization of work	without a vote

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* Draft resolutions and decisions recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. I).

a/ In the case of a vote, the figures in brackets represent: votes in favour/votes against/abstentions.

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